

CÆSAREA:

OR AN ACCOUNT OF

JERSEY,

THE GREATEST OF THE ISLANDS ROUND THE COAST OF

ENGLAND

OR THE

ANCIENT DUCHY OF NORMANDY.

WITH AN

APPENDIX OF RECORDS, ETC.

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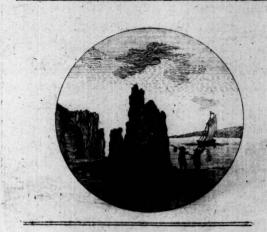
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AND IMPROVED AND CONSIDERABLY ENLARGED, WITH A MAP OF THE ISLAND, VIEWS OF CHURCHES, CASTLES, DRUIDICAL REMAINS, ETC.



LONDON,

PRINTED FOR EGLIN AND PEPYS, CHISWELL-STREET, AND JAMES WALLIS, IVY-LANE.

1797.

[Price 18s. in Boards.]

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ISLAND OF JERSEY, &c.

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IT cannot with certainty be said when, or by whom, this island was first inhabited; which will not seem strange to him who considers how dark and sabulous the history of the greatest nations is, when carried up to times and ages too remote.

It is abundantly sufficient for the honour of this island, in point of antiquity, that it was known to the Romans, who called it Cæsarea, a name of distinction given to favourite places; and by that name the Emperor Antoninus lays it down in his Itinerary, among the Isles of the Británnic Ocean. It makes so good an appearance from the neighbouring Continent, and the traject to it is so short, that it is not likely the Romans would pass it by without visiting it, as they carried on the war in these parts. Cæsar himself relates how he brought under subjection the Unelli, the Lexobii, and other nations inhabiting this Maritime Tract?, of which the adjacent islands being members and appendages, doubtless he would not fail to reduce them with the rest. And accordingly we want not proofs of the Romans, if not of Cæsar himself, coming amongst us. Adjoining to Mont-Orgueil Castle, and having communication with it by a fally-port, there is an old fortification called to this day, by immemorial tradition, Le Fort de César. Likewise at Rosel, in the north of the island, there is a remarkable intrenchment, by a like tradition, bearing still the name of La petite Césarée. Near the manor of Dilament one sees the remains of an ancient work, in the known form of a Roman camp. Coins also

¹ Itinerar. Parif. 1512. pag. 89.

De Bello Gallico. lib. iii. & vii.

have been found here, but our people unhappily wanting a taste for such things, have neglected to preserve them. Nor did I myself make inquiry after them till lately, when three were put into my hands, viz. a grand bronze (to speak in the style of the medallists) of the Emperor Commodus, newly digged up in the parish of St. Ouen; and two of Probus and Posshumus, of that fort which (as Patin observes) came to be struck in the impoverished and declining state of the Roman empire.

The modern name of Jersey, or Gersey, is allowed after Mr. Cambden², to be but a corruption of that of Cæsarea. For Ey, in the language of those northern nations who overran Europe about a thousand years ago, signifies an island³, as in the name of Angles-ey, i. e. the Isle of the Angles; and Jer, or Ger, and likewise Cher, is but a contraction of Cæsar, as in the name of Cherbourg, an ancient sea-port town in Normandy, so called from the Latin Cæsaris-burgum. Jersey is, as if one should say, Cæsar's Island.

It is also sometimes mentioned in old writings and monuments by the name of Augia, which the learned Mr. Poindextre thought to be the original name of this island, before the Romans were acquainted with it, and called it Cæsarea; so that although they, in right of conquest, would needs give it a new name, yet still the old name remained among the natives, and neighbours on the Continent, and was in use many ages after. And that thus it has often happened to places and countries upon a conquest, is notorious from all histories; into which no small confusion and obscurity has been thrown by fuch plurality of names applied to the same place. By the above-said name of Augia, Childebert, King of France, fon of Clovis, gave this island to Samson, Archbishop of Dol, in Armorica, about the year 550, including in the fame grant the other adjoining islands; of which grant that accurate and diligent historian D'Argentré attests to have feen authentic deeds and evidences. But concerning that transaction I shall have a more proper opportunity to speak under the article Religion, it being here mentioned only on account of this name of Augia, which we have under confideration. To pass therefore to another instance; in the reign of Charlemagne, Gero-aldus, Abbot of Fontenelle in Neuftria, was fent hither with an imperial commission, which, though the occasion be not said, must have been of some importance, considering the quality of the person employed before in great negociations. Is Abbas, justu Caroli Augusti, quadam

[•] Histoire des Medailles. ch. xvi. • De Insulis Britannicis. pag. 854. • Ey. Insula. Vid. Rudolphi Jone Gram. Island. pag. 103. • Je trouve cela aux Vielles Lettres. Hist. de Bretagne. liv. i. chap. xxviii. fol. 114. de l'Ed. de Paris. 1611.

legatione fungebatur in Insuld cui nomen est Augia,—& est adjacens Pago Constantino. Here the name of Augia occurs again, and the island is described by its situation near the Pagus Constantinus, i. e. the city of Constance, or Coutance, as they now speak, and no other island but Jersey will answer that description. Therefore Augia and Jersey must be the same.

Whereupon it may be proper to observe, that it is very usual with ancient authors. when they speak of this island, to describe it by this very mark and character of its nearness to Coûtance, instead of naming it by name. Thus Gregorius Turonensis, and Aimoinus Monachus³, call it an island of the sea which is adjacent to the city of Coûtance; Gaguinus and Paulus Æmylius call it an island of the diocese of Coûtance: and Papyrius Massonius, an island of the shore of Coutance; and these descriptions point to Jersey no less plainly, than if its name was set down in capital letters. The occasion of this island being mentioned by them, was the banishment of Prætextatus, Archbishop of Rouen hither, in the year 577. Now two modern ingenious historians of Normandy speaking after them of the same affair, expressly call the place of his banishment Jersey'; which shews how those authors are now to be understood: indeed this island is so near to Coutance, that they are in fight of each other. From the losty towers of its beautiful cathedral it overlooks us, and the narrow channel betwixt it and us; and the bending shore of the Païs Coûtantin, reaching to Cape La Hogue, does in a manner furround and inclose us on that side. As for the city itself, glorying in some remains of the Roman greatness, as aqueducts, &c. I have no farther concern with it at present.

Augia still is, and has been the name of other places. The Bodenzee, or Lake of Constance, in Swabia, has a noted isle in it so called. In Normandy there is le Païs d'Augue, which is a large district containing some dioceses. And Homer speaks of

- Du Monstier. Nustria pia, in Fontanel, cap. viii. p. 155. ex Libro miraculorum S. Wandregisilli Abbatis Fontanellæ.
 - 2 Hift. Franc. lib. v. cap. xviii.-Infula Maris quod adjacet Civitati Constantina.
 - 3 De Gestis Francorum. lib. iii. cap. xxvi .- Insula Maris quæ Civitati adjacet Constantiæ.
 - * Compend. fuper Françorum gestis lib. ii. in Chilperico. —Infula Constantianæ Diœcesis.
 - De rebus gestis Francorum. lib. i. in Chilperico.-Infula Oceani Constantiensis Dieccess.
 - 6 Annal. lib. i. p. 52 .- Infula Constantini Littoris.
- 7 Pretextat privé de son Archevesché, par un Synode d'Evesques assemblez a Paris, sur relegué en l'isle de Gerzai, dans le territoire de Constances.—Abregé de l'Hist. de Normandie. ch. ii. p. 33. Histoire Sommaire de Normand. par de Masseville. part. i. p. 54. Fleury Hist. Eccl. tom. vii. liv. xxxiv. § 33.
 - Munsteri Cosmogr. lib. iii.

more than one Augia among the Locrians, bestowing on them the epithet of lovely. But in regard to Jersey, this its primitive name is grown obsolete and quite disused, and Cæsarea corrupted into Jersey has by length of time prevailed over it. I shall only add farther, that this name of Jersey admits of some variations, caused by a change of letters into others of a similar sound and pronunciation. Thus it is written indifferently Jarzé, Gersai, Gersui, &c. by the French. In the records of the Tower and Exchequer it is Jersey. And when others have gone about to Latinize it, they have introduced the barbarous names of Gersoium, Grisogium, and the like, in lieu of the true Roman name Cæsarea, of which they were ignorant, and which our great British antiquary has so happily revived and restored to us.

These researches into the ancient name of this island, have led me from the time of our first conquerors the Romans, down to that of the Francs, or French, who now in their turn were become our masters. That warlike people breaking out of Germany in the fifth century, spread themselves like an inundation far and wide. Under their Kings of the Merovingian and Carlovingian races, they by degrees founded an empire which took in all from the ocean to the Danube. Its more general division was into West-France, and East-France; the first, in the Latin of that age, called West ia, turned afterwards into Neustria, which now is Normandy, but this of far less extent than the ancient Neustria. It is a maritime province, and the islands in its neighbourhood, and within its view, Jersey, Guernsey, and the rest ever went along with it, as parcels of it, consequently became then also appurtenances of the great kingdom of France.

Some perhaps may think, because the French are still called Galli, that they are the same Gauls whom Cæsar subdued. But those Gauls were distinct bodies and governments of several nations, and (as one may say) the Aborigenes of the country, forasmuch as no history extant goes beyond them. Whereas the French were one people, an adventitious people, come from the other side of the Rhine, and of German extraction. The Romans subdued the Gauls, and the French drove out the

Bioons To, Endedau To, une ATTEIAE Ipalorag.-Iliad. lib. ii.

Je di, & diray que je fui

Vacé de l'Isle de Gersui.

Maistre Vace en son Roman de Normandie.

Mr. Cambden.

[•] Therefore they boasted of an immediate descent from the gods.—Galli se omnes à Dite patre prognatos prædicant.—Cæsar de Bello Gall. lib. vi.

Romans. This remark might have been spared, were it not for the sake of less knowing readers.

It was in the reign of Ludovicus Pius, son of Charlemagne, and about the year 837, that the Normans (whose very name shews from what part of the world they came) began to carry on a piratical war on the western coast of France. Their boldness increasing with their numbers, they made descents in several places, and committed great outrages. But things grew infinitely worse under Charles the Bald, son of the former, whose whole reign in a manner passed in a perpetual constitt with them. For by the advantage of their little light vessels, they went up the rivers, and penetrated into the very heart of France, sacking and burning the towns, shedding torrents of human blood, and bringing such ruin and desolation every where, as no histories afford an instance of the like. They were Pagans, and zealous for idolatry, a gross and brutish idolatry; which, added to their native savageness, made them fall upon churches, monasteries, religious persons, and all that was Christian, with a redoubled and hellish barbarity. In short, they struck such terror throughout all France, that in the public litany, after those words—"from plague, pestilence, and samine," was subjoined, "and from the fury of the Normans, good Lord deliver us."

No places could be more exposed to their incursions than the islands on the coast's, through which they must necessarily pass as they ranged the land. And accordingly in Jersey, converted to Christianity long before, they left us this monument of their cruelty. There lived here a holy man, famous for the piety and austerity of his life; his name Helerius, in French Helier; whose little solitary cell, which he had chosen for a retreat from the world, is yet to be seen on a rock hard by Elizabeth castle, and is called the Hermitage. This holy man they put to death, with circumstances that gained him the reputation of a martyr; no doubt for his bearing some illustrious testimony to the faith of Christ, in contradiction to their vile idolatry. The church-kalendar of Coûtance

Vid. Gesta Normannorum antè Rollonem Ducem — apud Du Chesne Historiæ Norman. Script. antiq. ab initio. Paul. Æmyl. lib. iii.

² On n'en trouve point de pareille dans toutes les Histoires.—Abregé de Mezeray, au Regne de Charles le Chauve.

Le faux zele de leur religion impie & brutale les rendoit cruels & fanguinaires, sur tout a l'endroit des Gens d'Egisse.—Le même.

[.] Godeau. Hift. de l'Eglise. siccle ix. liv. i.

Hæc clades, ficuti primitus, ita acerbius in Insulis, seu Territoriis Occidentalibus, ac mari contiguis desæviit, &c.—Du Chesne. Hist. Norm. Script. antiq. pag. 21. ex autore Historiæ S'1 Viventii.

places his anniversary, or day of his martyrdom, xvii* Kalend. Augusti, i. e. on the 16th of July. The island itself grew famous upon his account, and still more so when in after-time a Norman nobleman, of the posterity of those who had been his murderers, founded here a fine abbey in memory of him, and called it by his name L'Abbaye de St. Helier, of which more hereaster.

The near refemblance betwixt the names of Helerius and Hilarius, has occasioned a mistake concerning St. Hilary, Bishop of Poitiers, as though he had been banished into this island, and had died here. Even Mr. Cambden himself seems to have given credit to that report, and thereupon calls the chief town in the island St. Hilary, which should be St. Helier. To have been the place of exile, and now the repository of the ashes of fo bright a light of the ancient church, and fo strenuous an affertor of the doctrine of the Holy Trinity against the pestilent and blasphemous heresy of Arianism, would certainly be a matter of great glory to this island. But in reverence to truth, we must disclaim an honour which does not belong to us. For indeed St. Hilary was never here, and his ftory is briefly this:—In the year 356 fome Arian bishops of Gaul, in view of procuring the condemnation of St. Athanase, convened a Synod at Beziers in Aquitaine3, where St. Hilary fo effectually opposed and defeated their wicked measures, that in revenge they complained of him to the Emperor Constantius, himself an Arian, who thereupon banished the good Bishop into Phrygia beyond the Hellespont. Some years after being fuffered to return to his fee, he died and was buried at Poitiers, which also was the place of his birth. This we learn both from St. Jerom *, who was almost his co-temporary, and Severus Sulpitius, who lived and flourished not long after him.

To return to the Normans;—for the space of near fourscore years they continued those horrible ravages mentioned above, viz. from the year 837 to 912, when Charles IV.

Gerseium—Insula ad mare Oceanum, Diœcess Constantiensis. Illustrior haberi cœpit ex quo S. Helerius illic à Wandalis martyrii palmam accepit. Nam in honorem hujusce inclyti Athletæ Christi constructa est infignis Abbatia, à Domino Guillelmo Hamonis, viro nobili, & antiqui stemmatis apud Neustrios Heroe, in qua Canonicos Regulares S. Augustini posuit; ac tandem ipse excessit è vita 21.00 Novembris; cujus sie meminit Obituarium Cæsaris-burgi; xi. Calend. Decemb. Gulielmus Hamonis qui fundavit Abbatiam S. Helerii in Gersoio.—Neustria pia in S. Helerio. pag. 712. Here the murderers of St. Helier are called Wandals, instead of Normans, the names of those barbarous nations being often consounded, and used promiscuously.

Sanctum Hilavium Pictaviensem Episcopum huc relegatum, & sepulturæ traditum ferunt.-Ut supra.

³ Conciliabulum Byterrense.

⁴ De Scriptoribus Eccles. No. III.

Historia Sacra, lib. ii. prope finem. Bouchet Annales d'Aquitaine. part i. ch. xiv. &c.

furnamed the Simple, who then reigned, finding himfelf urable to make head against them, much less to drive them out, thought it best to compound with them, and by making them a cession of some part of his kingdom, save the rest. Their leader at that time was Rollo', to whom Franco, Archbishop of Rouen, was sent with the overture of a treaty.-" Will you, mighty Chieftain," faid he, " go on to make war with the Francs fo long as you live? What will become of you if death furprizes you? Do you think that you are a god? Are you not a mortal man? Remember what you are, and will be, and by whom you must one day be judged?!" He then went on to propose terms for an accommodation; which were, that all that fine tract of country, part of Neustria, extending itself along the Britannic Ocean, in length near two hundred miles, with a breadth proportionable, should be yielded to Rollo and his successors for ever, to hold it in fief from the Crown of France, with the title and dignity of Dukes; and farther that upon Rollo's embracing Christianity, to which the Archbishop was to exhort him by all proper arguments, the King would give him his daughter Gilla to wife, whereby the peace and amity betwixt the two nations would be more ftrongly cemented. The proposals were accepted, and the treaty concluded at an interview of the two Princes. Rollo was baptized, and his example, mixed with authority, foon prevailed with his followers to be so too3. He proved a worthy ruler, and is specially famed for his great love and strict observance of justice. The province yielded to him had long been a wild scene of rapine and confusion, but he quickly reduced it into admirable order, establishing many good laws in it, and taking care to have them duly executed 5. It then got the name of Northmannia, or Normandy, became a flourishing and powerful state, and its Dukes made a figure equal to crowned heads, whose dominions were larger, but the wisdom of their government less. The people under him mixed themselves with the old inhabitants, grew humane and civilized, without losing any thing of their ancient courage and bravery, of which they gave fignal proofs in their after-

^{*} Otherwise Rou, Roul, and Raoul, in the French and Norman writers.

² Omnium Ducum præstantissime! — Litigabis vita comite semper contra Francos? Præsiaberis semper contra illos? Quid de te, si morte præoccupatus sueris?—Deum te esse existimas? Nonne homo es? Memento qualis es, & cris, & cujus judicio damnaberis!—Dudo de moribus & actis primorium Normanniæ Ducum. lib. ii.

³ Rollo comites suos, & milites, omnemque manum Exercitus sui baptizari secit, atque Christianz Religionis side per prædicationes instrui.—Id. ibid.

⁺ Chronique de Normand, ch. xxvi.

⁵ Dudo. ut fup.

Rollo—fibi & posteris Principatum paravit, qui exigius inchoatus initiis crevit, ut cæteris quibusque maximis Regnis par viribis suit.—Polydor. Vergil. Hist. Angl. lib. vi.

conquests of the kingdoms of England, Naples, and Sicily. In a word, so happily were their temper and manners altered upon their conversion, that they gained the character of a religious nation, beyond most others at that time. This glorious change was the work of Christianity, which has a peculiar virtue and efficacy to soften the serocity of corrupt human nature; insomuch that if we no longer hear of those barbarous devastations of countries, and all that bloodshed so common in the days of Paganism, and if modern wars betwixt nations are prosecuted with more humanity, it is owing to that excellent religion which wicked and unthankful men would now banish out of the world.

One thing more relating to Rollo I cannot pass without notice, both because of the fingularity of it, and the concern which we of this island have still in it. Whether it began through his own appointment, or took its rife among the people from an awful reverence of him for his justice, it matters not; but so it is, that a custom obtained in his time, that in case of encroachment and invasions of property, or of any other oppresfion and violence, requiring a prompt remedy, the aggrieved party needed do no more than to call upon the name of the Duke, though at never fo great a distance, thrice repeating aloud Ha-Ro, &c 2. and immediately the aggressor was, at his peril, to forbear attempting any thing farther. Nothing could be more wifely provided to prevent wrongs even among equals, but was no doubt chiefly defigned to repress the insolence of powerful great men, who too often deride and too eafily defeat those more flow legal methods whereby their injured inferiors feek to be relieved against them. And this is that famous Clameur de Haro, subsisting in practice even when Rollo was no more, praised and commented upon by all who have writ on the Norman laws. A notable example of its virtue and power was feen about 170 years after, at William the Conqueror's funeral, when in confidence thereof a private man, and a subject, durst oppose the burying of his body. It feems that in order to build the great Abbey of St. Stephen, at Caen, where he intended to lie after his decease, the Conqueror had caused several houses to be pulled down for enlarging the area, and amongst them one whose owner had received

¹ Spondani Epitome Annal. Baron. ad an. 1002.

Pour la bonne paix & justice qu'il maintint en sa Duché, ses subjects prindrent une coustume, tant de son vivant comme aprèz sa mort, que quand on leur faisoit force ou violence, ils crioyent Aa-Rou, &c.—Chron. de Normand. ch. xxvi. Aa! or Ha! is the exclamation of a person suffering. Ro is the Duke's name abbreviated. So that Ha-Ro is as much as to say, O Rollo, my Prince, succour me! Accordingly with us in Jersey, the cry is, Ha-Ro, a l'aide, mon Prince!

Rouillié Grand Coustumier de Normandie. fol. lxxvi. Terrien Commentaires du Droict, &c. au Pays & Duché de Normandie. liv. viii. ch. xi.

no fatisfaction for his lofs. The fon of that perfon observing the grave to be digged on that very spot of ground which had been the fite of his father's house, came boldly into the affembly, and forbade them, not in the name of God, as some have it2, but in the name of Rollo, to bury the body there. Paulus Æmylius, who relates the story, fays, that he addressed the company in these words:-" He who oppressed kingdoms by his arms, has been my oppressor also, and has kept me under a continual fear of death. Since I have outlived him who has injured me, I mean not to acquit him now he is dead. The ground wherein you are going to lay this man, is mine; and I affirm that none may in justice bury their dead in ground which belongs to another. If after he is gone, force and violence are still used to detain my right from me, I APPEAL TO ROLLO, the founder and father of our nation, who, though dead, lives in his laws. I take refuge in those laws, owning no authority above them 3." This brave speech, spoken in presence of the deceased King's own son, Prince Henry, afterwards our King Henry I. wrought its effect. The Ha-Ro was respected, the man had compensation made him for his wrongs, and all opposition ceasing, the body of the dead King was suffered to be laid in the grave.

In the manner I have accounted for it, was Normandy, together with this and the other islands, dismembered from the Crown of France; so to remain for ever, pursuant to the treaty between Charles and Rollo; reserving only to the said Crown the right of challenging homage, and giving investiture upon the accession of a new Duke. By accidents, and the sate of war, France got possession again of the continent of Normandy, and holds it still; but could never recover these islands, as the sequel of this history will shew. And this our passing from the French under the Norman dominion, is the third revolution in our little State of Jersey. We shall quickly come to a sourth, which we hope will be the last. For being, after so many changes, happily settled in a subjection to England, our desire is never to be removed from it, until the coming of that great day, which will put an end to all rule and dominion among men.

Some fay the fon, others the person himself.

Baker's Chron. pag. 31.

² Qui regna oppressit armis, me quoque metu mortis hactenus oppressit. Ego injuriz superstes, pacem mortuo non dabo. In quem insertis hunc hominem locum, meus est. In alienum solum inserendi motui jus nemine esse desendo. Si extincto tandem indignitatis authore, vivit adhuc vis, Rollonem, conditorem parentemque Gentis, Appello; qui legibus ab se datis, quam cujusquam injuria, plus unus potest, polletque.—
De rebus gestis Francorum. lib. iii. Masseville Hist. Somm. de Normand. part I. liv. iii. pag. 224.

From Rollo (taking him into the account) to William the Conqueror, there have been of the fame family fix Dukes of Normandy, our lords and masters. I mean Dukes of Normandy without the accession of England. I shall do little more than set down their names, in the order in which they succeeded each other.

Rollo, first Duke of Normandy, at his baptism called Robert, by which latter name he is little known at present, it being in a manner eclipsed by the brighter same and reputation of the other.

William I. surnamed Longue-espée, from his long sword, son of Rollo. All the Normans wore long swords, and to that, together with their use of the long bow, their writers ascribe their victory over the English when they came in with the Conqueror. The English, it seems, sought with pole-axes. At the first onset the Normans sorely galled them with their arrows. It coming to a close fight, while the English in handling their heavy weapons were obliged to lift up both arms, and so to leave their bodies open and unguarded before, the Normans ran them through with their long swords. This particular being omitted by our historians, in the relation they give of that samous battle, I thought it not amiss to give it a place here. Duke William, in size and strength of body exceeded ordinary men, which enabled him to weild a longer sword than the rest of his Normans. It could not however preserve him from being basely assassing by Arnold, Earl of Flanders, at a conference held under pretence of a reconciliation betwixt them. He was no ways inferior to Rollo, his father, in valour and wisdom of government.

Richard I. furnamed Sans-peur, i. e. Intrepid, or Fearless, son of William Longueespée. Being but ten years old when his father was murdered, his minority encouraged.
Lewis IV. King of France, to attempt the regaining of Normandy. Treachery and
open force were both employed to effect it, and the country was overrun with French
armies. But through the fidelity and good conduct of those who governed the young
Duke's estate in his tender age, but especially through his own undaunted courage and

D'autres bastons ils ne se servoyent point .- Chron. de Normand. ch. xlix.

Les Normans abbatoyent les Anglois de leurs longues-espées si dru, que de leur haches ne se pouvoient desendre, si non que a deux mains; & comme les Anglois haussoyent les bras pour frapper un Normand, de la pointe de son espée le transperçoit de part en part.—Chron, de Normand, ch. xlix,

³ Id. ch. xxvii.

^{*} Pour quelque chose que luy avint, ou qui se presentast devant luy, il n'eust jamais peur. A raison de quoy sut surnommé Richard sans peur.—Id. ch. xlii.

tesolution, when he came to head his troops in person, the French were beaten out of every inch of ground they had gained, and this brave Prince remained to the end of his life superior to all his enemies around him, so far as once to have the French King himself his prisoner. In this height of power and reputation, Etheldred, King of England, sought his friendship, and married his daughter, the samous Emma, mother of Edward the Confessor; Providence so early preparing a way by that alliance, for those after-events which advanced one of his blood to the throne of England.

Richard II. furnamed Le Bon, i. e. the Good, son of Richard I. Such a surname, given to sew Princes, because sew indeed have deserved it, does him honour enough, without adding any thing more; unless it be this, (to obviate a suspicion of weakness) that he was no less valiant and wise than good.

Richard III. fon of Richard II. wanted only a longer life to render him equal to any of his predecessors, having in his father's life-time performed actions that had raised a great expectation of him. But after a short reign of two years he died unmarried, and so lest the Dutchy to his brother

Robert, surnamed Le Magnisque, i. e. the Magnisscent, or Liberal; which glorious title he made good by many acts, both of bounty to inferiors, and of generosity to equals, I mean to other Princes who needed and craved his afsistance. To him Henry I. of France owed no less than his crown, of which an unnatural mother would have deprived him, to set up a younger brother. By him the distressed remains of the family of Etheldred (who was his uncle by the marriage of Emma, his father's sister) was preserved from the sury and cruelty of the Danes; and Edward the Confessor was long kept and entertained at his Court. More than that, the noble Duke, at a vast expence, raised a powerful army to expel the usurpers, and restore the injured family to their inheritance; but in his passage met with such tempessuous contrary winds, as forced him with his sleet into Jersey, as Gulielmus Gemmeticensis saith, or as Walsingham and others have it, into Guernsey; though I rather think the former, because it is added, that from thence he afterwards sailed to Mont-Sainct-Michel, to which Jersey is much nearer than Guernsey. Be it one or the other island, there he was so long detained, that the

Emmæ Angl. Reginæ Encom. Authore coetan. apud Du Chefne. pag. 161.

² Nimia tempestate acti ad Insulam quæ Garsus vocatur.-Hist. Norman. lib. vi. cap. x.

⁻ ad Insulam quæ vocatur Gernsi — Ypodig. Neustriæ. pag. 23. Chron. de Normand. ch. xlv. Abrégé de l'Hist. de Normand. ch. iii. pag. 106.

proper season and opportunity for action was lost. Some time after, upon failure of the Danish line, Edward the Confessor ascended the throne peaceably, and then requited the Duke's kindness (who was now dead) by raising the hopes of his son, and giving him encouragement to look towards the Crown of England. This son was the only one of Robert, and by birth illegitimate, yet for his promising qualities preferred by his father to all collateral relations in the succession of Normandy. We shall see him by and by with both the royal and ducal crown upon his head.

All these Princes shine in history, and it is noted as a selicity peculiar to Rollo's race, that none were seen to degenerate, but like him to be all eminent in peace and war'; which is very true, so far as we have gone in our account of them; while in the same age, the descendants of Charlemagne were sunk into such prodigious sloth, and unaptness for government, that hardly any trace appeared remaining in them of the virtues of their great ancestor. For six such Princes as those above, to sollow one another without interruption, in a continued series of 154 years, and no worthless creature to thrust in, and break the beauteous link, is extraordinary enough to deserve observation. Not that they were exempt of all blemishes, but those were less heeded for the sake of their greater excellencies.

It is from the good character of these Princes that I am lest to guess at the state and condition the islands were in under them. I say, lest to guess, because here memoirs and authorities fail me. But if a people are rarely unhappy under a good Government, it could hardly sare otherwise than well with the islands, while such Princes ruled; which is all that can be said upon that subject. After Robert, the last of the six, comes his son,

William the Conqueror, the beginner of a new epocha in the history of England, and from whose conquest of that kingdom I date the fourth and last revolution amongst us; though indeed in critical strictness it should rather be placed in the reign of his younger son King Henry I. For while Robert, elder brother of Henry, held Normandy, after his father's decease, we were his subjects, that is, subjects to a Duke of Normandy. But when Henry had dispossessed his brother, and added Normandy and these islands

Nous devons cette remarque glorieuse a la memoire de nos Ducs de Normandie, que depuis Raoul — il ne s'en est pas rencontré un seul foible, lasche, ou meschant, non pas seulement mediocre; mais tous ont esté excellens en toutes, ou en la pluspart des qualitez requises en des Princes capables de commander aux plusgrands Estats de la Terre.—Abrégé de l'Hist. de Norman. liv. iv. pag. 129.

to the kingdom of England, we then became English subjects. Robert's reign was so short, that the break it makes is inconsiderable. Our subjection therefore to England may, with very little error, and with that small exception, be reckoned to have commenced at the Norman conquest, an. 1067, from which time to this are 728 years. And if we go so far back as the treaty betwixt Charles the Simple and Rollo, an. 912, it is not less than 883 years since France yielded us up, and that we have been under the more happy dominion of other powers.

This gives the inhabitants of these islands the precedency, as to priority of time, before all others their Majesties subjects, saving only the purely English; Ireland not being subdued till the reign of Henry II. nor Wales reduced till that of Edward I. and neither the one nor the other perfectly even then. Thus also the accession of Scotland happened not till the beginning of the last century, to say nothing of the plantations abroad, which, in comparison, are but of yesterday. I speak not this to derogate from the honour of kingdoms and principalities which do vastly exceed us in expansion of country, and have brought a far greater addition of power to the English empire; but to demonstrate their Majesties ancient and indisputable right over us, and shew at the same time how strong our attachment is to England, which has stood the long test of so many ages.

By the Conquest no small change was introduced into the laws, customs, manners, and the very language of England; as it usually comes to pass on the like great events. In the islands we were not subject to this inconvenience, for a very plain reason, if I may presume to speak it, viz. our being, not on the conquered, but on the conquering side. Our Constitution being in all things like that of Normandy, could not be affected, or any way suffer, by a Duke of Normandy bringing another nation under his power; therefore it remained as it was, and so (for the most part) subsists to this day. All the change we felt, was, that instead of a Duke, we now had a great and powerful King for our Sovereign, or rather we had both in the same person.

At last this mighty Prince, after a reign famous for military exploits, gave way to fate, and met his death in Normandy by an uncommon accident. He had taken the town of Mante, and in revenge for some contemptuous words spoken of him by the French King, to whom the town belonged, he would have it burnt and laid in ashes. As he was riding through the streets amidst the fire and smoke, pressing the execution of his cruel orders, his horse pitched with its fore feet into a sink, and in raising up and reco-

vering itself, the King received such a contusion in his groin by the pommel of the saddle, that he sell into a languishing, of which he died. I mentioned before his being buried at Caen, in the church of the great abbey, founded by himself, where I have seen his tomb. It is a plain altar-tomb, standing in the middle of the choir; and has two inscriptions on it, one on each side; and the first setting forth the quality of his perfon, and the union of England and Normandy under him²; the other reciting how that monument had been demolished by the hereticks (meaning the French Protestants) and was now repaired by the religious of the Abbey, in gratitude to the memory of the Royal sounder. Such violation of Sepulchres, respected by the very heathens themselves, can do no service to any cause, and brings reproach upon a good one.

Robert II. furnamed Courte-cuisse, and Courtebeuze's, eldest son of the Conqueror, Duke of Normandy, exclusively of England. Good and evil were so oddly blended in this Prince, that it is not easy to hit his just character. Valiant and bold as all of Rollo's race, affable and popular, generous and compassionate; but withal rash and imprudent, credulous and inconstant, prodigal and giving without measure or distinction's; once or twice in open rebellion against his father, yet rather through the inducement of others, than from an evil disposition in himself. Such a conduct, however had lost him much of his father's affection. He was rambling in foreign courts when his father died, which gave opportunity to William Rusus, the Conqueror's second son, to hasten over to England, and secure that kingdom for himself, leaving Normandy to Robert. This created a war betwixt the two brothers, which ended in a pact of mutual succession, whereby England and Normandy were to be rejoined in the survivor, in case the deceased left no issue.

^{*} Comme il chevauchoit par la ville, son cheval mit le train de devant dedans une fosse ou maliere, & au resouldre il se blessa griesvement en la penilliere, se heurtant a l'arson de la selle. Chron. de Normand. ch. 1.

[·] Qui rexit rigidos Northmannos, atque Britannos

Audacter vicit, &c.

³ Hoc Sepulchrum invictissimi juxtà & clementissimi Conquestoris Guliclmi, dum viveret Anglorum Regis, Normannorum, Cœnomanorum Principis, hujus insignis Abbatiæ pii Fundatoris, cum anno 1562 vesano Hæreticorum surore direptum suisset, pio tandem ejustem Abbatiæ Religiosorum gratitudinis sensu in tam beneficum largitorem, instauratum suit, anno Domini 1642.

[.] Vid. Guther. de Jure Manium. lib. iii. paffim,

Copore brevis & groffus, ideoque Brevis Ocrea à Patre est cognominatus. Orderic. Vital. Hist. Eccl. lib. viii.

[·] Id. Ibid.

Hoe statuerunt inter se, si alter sine hærede moriretur, hæreditas defuncti superstiti remaneret.—Walsingh. Ypod. Neustriæ. pag. 33.

After this, came on the famous croisade for the recovery of the Holy Land, in which Robert engaged, with Godfrey of Boûillon, and other princely adventurers. But wanting treasure for the charge of such an expedition, he was obliged to borrow, and found none more ready to lend than his brother Rusus, who was not displeased to see him go so far out of the way, and took care to have Normandy mortgaged to himself for the security of his money. The Duke's known valour and liberality had so much recommended him to military men, that he set out well attended; and we have still extant a list of the Seigneurs, i. e. noble and qualified persons of Normandy, who followed his standard, and signalized themselves with him in that war. Among them we find the name of Renaud de Carteret', a name and family of great honour and antiquity with us in Jersey, where it then held, and still holds, the first and chief rank; nor do I doubt of the said Renaud being accompanied by some of the bravest islanders, pursuant to what is observed of multitudes going on that enterprise from almost every part and corner of Christendom².

The Duke remained above five years abroad, and acquired an immortal renown by his many heroic atchievements. It was indeed the most glorious part of his life. Happy, if he had never looked back towards Europe, and had accepted of the Crown of Jerus falem, which, after the taking of that city from the Infidels, was, by the unanimous voice of all the Princes in the Christian army, tendered to him. But news coming of the death of William Rufus, and of the vacancy (as was reasonably supposed) of the throne of England, Robert thought it more eligible to go to fill that throne (which now was his by a double right, viz. his birth, and the agreement with Rufus), and reign over the English and his own Normans, than to take upon him the government of a newly-erected, and yet unfettled kingdom. How great must his disappointment be, to find at his return the place already taken, and himself once again supplanted and circumvented by another younger brother! This was Henry Beauclerc, third fon of the Conqueror, who happening to be in England and present at the death of Rusus, took the advantage of Robert's absence to step betwixt him and the Crown. For a while these two rival brothers tried their strength one against the other. Valour and right were on the fide of Robert, but those could not fland against the power of English gold3, by means whereof Henry was enabled to carry the war into Normandy, with the re folution.

L' Catalogue des Seigneurs de Normandie—qui furent en la conqueste de Hierusalem souba Robert.
Courte-heuse, &c. Du Moulin, Curé de Maneval. Hist. de Normand. a la fin de livre.

² Fuller's Hift. of the Holy War, book V. ch. xxi, &c.

³ Anglus in Northmanniam trajecit, fratremque in armis occurentem, non virtute victum, sed quibusdam.

resolution not to leave his brother even that, but to strip him of all. By the same means the fidelity of the Normans was corrupted, and the unfortunate Duke, deserted and betrayed, sell into the hands of the usurper of his birthright, who caused him to be transported into England, and shut up close prisoner in Cardiff Castle, with his eyes put out. There he languished many years in darkness and misery, till with the extreme indignities his unnatural brother continued even then to throw upon him, his great heart broke. Nor could he obtain so much as a decent tomb to cover him when dead, that under which he lies in Glocester Cathedral being only of wood, as Mr. Cambden observed in surveying those parts.

I have been the more particular in my account of this greatly injured Prince, because he was the last of our Dukes. For since him we have had none, but either Kings, in whom the royal dignity absorbed the ducal, or mere titular Dukes, who are of no consideration in this place. I must farther do him the justice to add, that notwithstanding his missfortunes, and the triumphs of his brothers, he certainly was, as the eldest, so the worthiest of the three. He had faults, but they had greater, and he had virtues which they had not. It was their duplicity, and his open and generous heart, that gave them all the advantages which from first to last they gained over him, that listed them up and cast him down. I conclude in the words of an ingenious author?, "That as the noble exploits which he performed in the holy war may atone for many errors, so they much outweigh, and are better worth than all that his brothers ever did. And so I pass to

Henry I. From the death of the Conqueror, Robert's reign over us in these islands had caused a cessation of our dependance upon, and subjection to, English Kings, whereunto we were now brought back by Henry. But when it is said, that after Henry had overthrown his brother, he did unite, or did annex, Normandy and these islands to the kingdom of England, those learned men who thus speak cannot be understood to

ex intima familiaritate Anglico Auro corruptis prodentibusque, in potestatem redegit, in perpetuamque conjecit custodiam.—Paul. Æmyl. de rebus gest. Franc. lib. v. in Ludov. vi. Chron. de Normand. ch. liv.

Britannia. 2d edit. in Glocestershire, page 275.

Les hauts exploits que fit Robert dans la Terre Sainte, peuvent en quelque façon effacer ses dereglemens passez, & valent mieux que tout ce que ses freres ont jamais sait.—Masseville Hist. Somm. de Normand. part I. pag. 260.

When King Henry I. had overthrown his elder brother Robert, Duke of Normandy, he did UNITE to the kingdom of England, perpetually, the dutchy of Normandy, together with these isles.—Coke's Instit. ch. lxx.

Normanniam & has Infulas Angliæ regno ADJUNXIT.—Camd. de Inful. Britan. pag. 855.

have meant it of a proper incorporating union, but only of a conjunction of the two States, England and Normandy, under one head. For those remained no less distinct than before, and he who was a King in England, was truly no more than a Duke in Normandy and in these islands. But of this only by the way.

King Henry now reigned on both fides of the water in full possession of all that had been the Conqueror's, and no doubt flattered himself with the hope of transmitting the fame in as ample a manner to his fon. He had none but him legitimate, therefore to fecure a posterity, of which he was most desirous, he married him young' to a daughter of the Earl of Anjou, and withal made him Duke of Normandy. Some time after the folemnity of the nuptials, and a peace made with France, the King, attended by the new married couple, and a numerous Court, came to Barfleur2, in order to embark for England. Every thing hitherto had succeeded prosperously to Henry, but now such a calamity befel him as was judged to be a stroke of the avenging hand of Heaven, pursuing him for his injustice and cruelty to his brother. This fon and heir, from whom he looked for a long fuccession of Kings to enjoy the great acquisitions he had made, was on a fudden fnatched away, by a strange and surprising fate, which denied the unhappy father even the poor fatisfaction of gracing his dead fon with a funeral. For the ship that carried him was lost, and he perished in the waters, never seen or heard of more, With him died two more of the King's children, a fon and a daughter, befides many persons of the first rank, and of both sexes, mostly the young and gay part of the Court, who had chose to go with the Prince; in all, with the ship's crew, to the number of near three hundred; the whole manner and circumstances of which dreadful shipwreck may be seen at large in Ordericus Vitalis, who lived at that time, but are too long to be inferted here. I shall only make use of him to correct an error in the first edition of my book, relating to this affair.

I say there, page 11, speaking of the Prince and his company, that "they were driven by a storm among these islands, and were cast away upon Casquet, a dangerous rock two leagues west of Alderney, where they miserably perished." I quoted in the margin my authority for mentioning Casquet, though it seemed hard to me to conceive how they should be carried so far out of the way, while the ship in which the King was, held its course with a fair wind to England. I sought whether there might not be another rock of the same name, nearer, and more in the passage, and finding none, I acquiesced in the authority, and set down Casquet as I sound it. In Orderic the matter

[·] At fixteen years of age.

² A fea-port town in Normandy.

² Eccles. Hist. lib. xii.

appears very plain. For he tells us that the rock on which they split, covered at highwater, which is not applicable to Casquet; and what is yet plainer, that the dismal cries and shricks of those who found themselves perishing were heard from the shore; moreover, that when the tide was down the sunk ship remained dry on the sands, and the treasure that was in it was saved. All this shews that they went not far beyond the harbour, and were lost on some one or other of those many rocks which lie thick about Barsleur, and make the going in and coming out very perillous, as is observed by the French coasters, who must know the same well.

The Prince had very imprudently ordered wine in large quantities to be given to the feamen, so that they were all drunk when the signal was made for sailing. They let the King go before, boasting that they would soon overtake him, and stirred not till it was dark, whereas they could not have too much light to see their way through so many dangers. The passengers themselves, if not drunk like the seamen, were intoxicated with something else, for they scoffed and laughed at the priests and religious men who came on board to pray for a blessing on the voyage; insomuch that a sew others more serious, dissing such libertine company, lest the ship, went back ashore, and by so doing had their lives preserved. Walsingham reports of this Prince, that he had threatened, if ever he reigned over the English, he would make them draw at the plough like oxen; so early did he betray an hereditary disposition to tyranny and cruelty.

Whatever power time might have to moderate Henry's grief for the loss of his son, it could not cure his ambition. That son being no more, for the sake of whom and of a posterity he had involved himself in so much guilt, an opportunity lay now before him to make some atonement, by at least restoring Normandy to his brother, still living and his prisoner. Or if that poor Prince's blindness rendered him unsit to govern, he had a son capable of it, to whom right might have been done. But Henry would part with nothing. Still desirous of an heir, he sought to obtain him by a second marriage; but in this he was crossed again by providence; so that at his death he left only a legitimate daughter, who carried his great estates into another family, viz. the Plantagenets of Anjou, and in him the male line of our ancient Norman Dukes was wholly

[·] Petit Flambeau de la Mer. Ch. i. p. 18.

[•] Hie jactitaverat, quod si dominium super Anglos aliquando acciperet, eos quasi boves ad aratrum trahere faceret. Ypodig. Neustriæ. ad an. 1120. pag. 37.

³ Illegitimate children he had many.

extinguished. Thus was an end put to that race, when through the ambition and unnatural feuds of the Conqueror's sons, it declined from the justice, and mercy, and other princely virtues of its first glorious founders.

I have said that Henry lest a daughter, in whom the right of succession lay, being legitimate. But although she lived to see two vacancies of the throne due to her birth, yet through an adverse sate which seemed to pursue Henry's children, she was kept out of it to the last. She is known in our histories by the name of the Empress Mathilda, or Maud, and was then wise of Jeffrey Plantagenet, Earl of Anjou; but had been so before of Henry V. Emperor of Germany, whereby she acquired the title of Empress, retained by her ever after. He who disputed her the throne upon the death of her father, was

Stephen, son of a daughter of the Conqueror, and so far he prevailed as to get and keep possession, though with much contention and trouble, till he also died. Then came in her son

Henry II. by whom she was again excluded, but whether with, or without her confent, is no part of my subject to inquire. This King in extent of dominion surpassed all his predecessors. For besides England and Normandy, which came by his mother, he inherited of his father the counties of Anjou, Maine, and Touraine; and by marriage with Eleonor, heiress of Guyenne (whom Lewis VII. King of France had imprudently put away) that noble Dutchy, with the Earldom of Poictou, and other appurtenances reaching as far as the Pyrenées, came likewise into his hands: so that he was master of well-nigh one half of France, and to him the better and more valuable half, on account of the easy communication of those provinces with England by sea.

In this reign began the declension of the Abbey of St. Helier in Jersey, once the glory of this Island. I mentioned before how it was founded by a Norman nobleman, in honour of the Martyr of that name. It stood on the same plot where now is the Lower Ward of Elizabeth Castle, and was, if not a magnificent, yet a handsome sabrick, as one might judge from part of the church yet in being within my remembrance; and if there be truth in the tradition, that all betwixt the Castle and the town, which the sea now overslows, was then rich meadow land, the situation must needs be very delightful. It was endowed with a good revenue, both in the Island and in Normandy. It was filled with Canons Regular of the Order of St. Augustin, living under a discipline and government

government that gave reputation to the House'. Such was the state of it when the Empress Maud, passing from England into Normandy, and meeting with danger at sea, made a vow that if it pleased God to deliver her from the distress she was in, she would build an Abbey in the place where the should come to land, which proved to be Cherbourg. Mindful of her vow, the fent for Robert, Abbot of St. Helier in Jersey, and committed the work to his care, as one well versed in such affairs 2. Thus was the Abbey built, and called de Voto, from the Empress's vow; and in reward of his service, Robert was made the first Abbot of it, without relinquishing St. Helier: yet so that the two houses remained diffinct and separate, although they had but one and the same superior. And fo far no harm was done us. But it was foon after fuggested, that the endowment of the new Abbey fell short of what was requisite to support the dignity of a royal foundation, and therefore the King was moved to have St. Helier laid and annexed to it; which was done, to the great prejudice and detriment of the island. For whereas before, the whole estate of St. Helier (which, fays Robertus de Monte 3, was tripliciter ditior, i. e. thrice richer than the other) had used to be confumed and spent within the island, the same must thenceforth be carried over to Cherbourg, after a small portion referved for the maintenance of a Prior and a few Canons. And now it must no longer be called the Abbey, but the Priory of St. Helier; and on that foot of a Priory it flood until the reign of Henry V. when all Priories Alien were suppressed, both in England and in these islands . By its being thus made a cell to Cherbourg, it came to be involved in the fate of those houses, and fell along with them; which could not have been, had it remained an independent Abbey as it was at the first. Its ruin would at leaft have been protracted to the times of Henry VIII. which swept away indiscriminately all fuch religious foundations. To finish this account of the Abbey or Priory of St. Helier, all lands or other possessions whatsoever belonging to it within the island, were seized into the King's hands, and are at this day part of the royal domaine. The fabrick mouldered away with time, nothing remaining but the choir of the Church.

Pluribus annis floruit, & Monasticæ vitæ observantia, & regularis disciplinæ exercitio, &c. Neustria.

^{*} Cum votum suum adimplere decrevisset, de ædisseando Monasterio juxtà Cæsaris-burgum, accito Roberto Sancti Helerii Cænobiarcha apud Gersovanam Insulam moras agente, totum illius rei negotium ipsi committit, &c. Id. in Cæsaris-burgo, p. 814.

Waltherus Rothomagensis Archiepiscopus impetravit a Domino Henrico Rege Anglorum, ut Abbatia Sancti Helerii, que est in Insula Grisolii (aliter Gerseii) — jungeretur Abbatia de Voto, que est juxtà. Cesaris-buegum—— Erat autem tripliciter ditior, tam in Normannia quam in Anglia, quam Abbatia de Voto, &c. In appendice ad Sigebertum, ad an. 1184.

^{*} See hereafter in the Chapter of Religion.

which was kept up for a Chapel to the Castle; and even of that there is not a stone now lest standing, it being demolished to make room for lodgements, and to enlarge the parade.

To Henry II. fucceeded his fon

Richard I. i. e. the first of the name as King of England, but the fourth as Duke of Normandy. This is the last of English Kings that held Normandy by an allowed and uncontroverted right. For though both he and his predecessors were almost perpetually at war with the French, yet the dispute was not about the title to that Dutchy, but about other matters and incidents, such as frequently happen and beget differences betwixt neighbouring powers. All this while Normandy and these islands were so intimately conjoined, that they made but one. Their interests, both civil and religious, were the same. Families residing in the islands had lands and possessions on the contitinent, and so vice versa. Briefly it may be said, that in every thing we were as much Normans as the Normans themselves. But now the time was come when all these ties which united us to them, and them to us, must be dissolved, and the islands have nothing more to do with Normandy, unless in the way of ennemity and hostility. What gave occasion to so great a change, and how it was brought about, will appear by what follows.

King John's reign, which comes next, was a long and continued scene of war, misery, and consustion. But as I am not writing the history of England, it will be sufficient for my purpose to take notice only of so much as affected these islands in the course of that unfortunate administration. Unfortunate indeed to England, which sustained so great losses under it; but to us of these islands rather fortunate and happy in the event. For to it we owe our separation from Normandy, which through the merciful providence of God has turned to our great good. That large and once flourishing Province seels now the heavy weight of a French Government, and is known to be the most oppressed of any in that kingdom. The same would our miserable sate be at this day, were we still attached to it as heretofore, besides our remaining under the darkness of Popery, a greater evil even than the other. Our people are very sensible how much better their condition is than that of their neighbours, and behold them with much contempt, who perhaps should rather be pitied.

I must now observe, that Henry II. had, among other sons, these three following, 1. Richard, who succeeded him, as above, and died without lawful issue. 2. Jeffrey, who

who died in his father's lifetime, leaving a fon named Arthur, Duke of Bretagne in right of his mother Constantia, heiress of that Dutchy. 3. John, Earl of Mortain in Normandy. Upon Richard's death, who was killed at the fiege of a Castle in Guyenne, the succession devolved of right on Arthur, whose father Jeffrey was prior in birth to John. But Arthur was a Minor ', and John despising his youth, set up for himself, and made his way to the throne. Whereupon the Duke's mother, in behalf of her fon, fued to Philip Augustus King of France for protection and succour; who seemingly entering into so just a quarrel, fell upon Normandy with all his forces. But a generous and difinterested assistance of an ally in distress, never was a French virtue. Philip made it foon appear by his whole conduct, that he meant only to fish in those troubled waters, and under colour of supporting the Duke, promote his own affairs; in plain words, to keep for himself what he could recover from John under the other's name. But to wave that, Arthur being grown up to an age fit for action 2, exceedingly beloved, and giving great hopes of him on account of his many excellent qualities 3, actually invested of the Dutchy of Bretagne by the demise of his mother , owned and acknowledged for their only rightful Prince by the greater part of the nobility of those Provinces along the Loire which were the patrimony of the House of Anjou, began to make a figure, and to appear in a capacity of freeing himself from oppression, and afferting his right. But these fair beginnings proved illusory, and of short duration. For while he lay too fecure at Mirebeau, a strong place in Poictou which he had lately reduced, King John, by a quick and fudden march out of Normandy, came unexpectedly upon him, retook the town, and (which was most deplorable) got him, even the uphappy Prince himself, into his power. There is no doubt but from that moment the cruel resolution was taken to send him out of the world. But John durst not go about it, whilft his mother Eleonor, relict of Henry II. was living , who could not be

About twelve years of age.

About fixteen.

C'etoit un beau & jeune Prince, & de belle esperance, au quel on voyoit desja s'espandre la Somence de Vertu, &c. D'Argentré Hist. de Bretagne. Liv. iii. Ch. lxxv. fol. 200. verso.

Polydor Vergil, and others, speak of her as outliving her son, and bring her in as a supplicant to Philip Augustus, for justice against King John his murderer. But D'Argentré, best acquainted with the affairs of Bretagne, is express to the contrary; and mentions it as a happiness of the good lady, that by dying the year before she was put out of the reach of that cruel Stroke. Son heur sut qu'elle ne vid point la mort & parricide de son fils, qui sut tué puis son trespas, la suivante année. Ut sup. Ch. lxxvii. sol. 210. verso.

Some place the death of Arthur before that of Eleonor, but I chuse to follow the best historians who relate it otherwise. Joannes, quoad vixit mater Leonora, nihil durius in Arcturum constituit (says Paulus Æmylius) ea pro illo deprecatrice. Vixdum circumacto anno defuncta, adolescentem necavit, Lib. VI. in Phil. Aug. To the same purpose speaks Mezeray.

pleased with shedding the blood of her grandson, though she had been the chief agent in putting him by from the Crown. In the mean time, Arthur was laid under fafe custody in the Castle of Rouen, there to wait his fate. It was not long ere the old Queen died, and then his turn quickly came to go after her, but by what kind or manner of death was variously given out. Sometimes it was faid, that he died in his prison, of mere grief and anguish of mind: at other times, that endeavouring to escape by swimming over the Seine, which runs under the Castle-walls, he perished in that river. And no wonder if those and other like reports were raised, on purpose to divert the attention of men from the true author of his death. Those writers who most favour King John, are forced to confess that he was diffamatus', to use their own word, i. e. charged by common fame with the murder of his nephew. But D'Argentré is positive in the matter, and roundly calls them menteurs, i. e. liars and sycophants, who went about to clear the guilty King; and is particularly angry with Matthew Paris, for faying only of the Prince *[ubito]* evanuit, i. e. he vanished, or disappeared on the fudden, as though he had funk into the earth. The relation which he himself gives is indeed very tragical. John, faith he, 2 leading his nephew after him, as a lamb to the flaughter, brought him from Rouen to Cherbourg, for more privacy and better opportunities to dispatch him. There one day, late in the evening, followed only by a few, he got on horseback, making the Prince ride before him. Then leaving his attendants behind, he went on along the coast till he had found a place fit for his purpose, which was a high cliff hanging over the fea. Being got there with the Prince, he spurred his horse up to him, and with his fword ran him through the body, the poor Prince crying in vain for mercy. That done, he pulled him to the ground, and dragging him by the feet to the brink of the precipice, flung him to the bottom in the water, not being yet quite dead, nor was the body ever feen afterwards. On the authority of fo grave an historian, I venture to speak more affirmatively now, and with greater affurance, concerning this

Erat Arthurus Britonum Comes, quem Johannes Anglus cum cœpisset, cum occidisse Diffamatus est. Gaguin. de Franc. gest. Lib. V. in Philippo Aug. Arthurus Rothomagi moritur, de cujus morte Regem Johannem quidam ejus æmuli infamaverunt. Walsing. Ypod. Neustriæ, p. 51.

² Le Duc Artur estant prisonnier de Jean Sans-terre, il le sit transporter de Falaize a Roûen, deliberé de s'en depescher, comme il sist, le menant par tout ou il alloit, comme l'aigneau a la boucherie. De Roûen il s'en alla a Cherbourg, pour estre plus a recoy; ou un soir assez tard il se mist a cheval, & ce jeune Prince devant luy; & laissant arrière ce qu'il avoit de gens, commença a marcher sur la rive, jusques a ce qu'il eust choisi un endroit d'un haut rocher regardant sur la mer; approchant lequel il donna un coup d'esperon a son Cheval, & d'un coup d'estoc perça le Corps du Duc Artur, criant mercy; puis l'ayant jette par terre, le tira par un pied, & le jetta du haut du rocher en la mer, demy-mort, ny ne peut le Corps estre retrouvé. Ut sup. Ch. lxxv. sol. 209.

most wicked fact, than I did in the first edition of my book, where I left it as doubtful and uncertain: Having moreover been twice at Cherbourg, and retaining still a remembrance of the coast and cliss about it, every thing there appears to me to agree with his narration.

When the news came into Bretagne of the death of their young Duke, and by what hand the barbarous deed was committed, horror and indignation filled every breaft's. A General Affembly was called to meet at Vennes where they unanimously joined in an earnest petition to Philip Augustus to do justice upon the murderer, who (they said) was accountable to him as his vaffal and feudatory. Those of Anjou, Poictou, &c. came in also with the like addresses. This was exactly what Philip wanted, and encouraged underhand. For as it flattered his pride to have a King of England cited to stand at his bar under the ignominious circumstances of a criminal, so he well understood how great a gainer he should be by all those vast forfeitures which John's condemnation would bring in to him. Nor was he in pain about the event of a war, by reason that to purfue fo foul a murder with just and deserved vengeance, would not look like other wars kindled by ambition, but rather like a fort of holy war, which all men would favour and wish well to. And though in all this affair, he acted only out of private and felfish views of his own, he knew how to conceal those under the specious shew of doing right to the injured. Not to fay that Kings, for the most part, so they obtain their ends, seldom trouble themselves with what the world thinks of them and their actions. And now the profecution went on with all the formalities of a legal trial 2. Thrice John was summoned to appear personally before Philip in his High Court of Parliament, and there answer to the charge of felony exhibited against him; to which refusing to submit, as unsafe for his person, and injurious to his kingly dignity, judgement paffed upon him for contumacy and parricide, and all his great estates in France were ordered to be seized and reunited to that Crown, as being forfeited by his attainder. Philip, at the same time, was prayed to execute the sentence 3, which he no doubt was very ready to do. How far this proceeding was according to justice, is not for me to determine. I consider it only as it is fact, and now pass to relate what followed upon it.

Philip

[.] D'Argentré ut sup. Ch. lxxviii. fol. 211.

Bouchet Annales d'Aquitane, Part III. Ch. vi. p. 161.

Of which Paulus Æmylius gives this extract. Anglus infidelitatis scelerisque damnatur, quod immemor Sacramenti Francis dicti, filium majoris fratris, beneficiarium Francorum, in finibus qui juris Francorum effent, neque legibus quæssione habità, neque cognoscentibus iis quorum hæ partes forent, patruus occidisset.

Philip had nothing so much at heart as to recover Normandy, which, ever fince it had been alienated, had given more trouble and uneafiness to France, than all her. other neighbours together. He refolved therefore to begin the attack, and bend his greatest efforts on that side. And here we have in King John a famous instance, how wretchedly weak a Prince is who has loft his best support, the love of his people. The Normans had not yet degenerated from their ancient valour. None were better trained up in arms, through an almost continual use of them against the French. They hated that nation as their old enemies, with whom they had had many bloody encounters during the run of feveral hundreds of years. Notwithstanding all which, they now fuffered themselves to be made an easy conquest by Philip 2, in pure disaffection to John. Some towns stood out a while, and Rouen the longest; but others opened their gates voluntarily, and received a King of France, that is to fay, an enemy, within their walls, with acclamations of joy, as their protector and deliverer. So strange and fo fudden a turn in the minds of a people, could proceed only from that general detestation and abhorrence which John's unnatural crime had drawn upon him. But perhaps after all, the Normans had done more wifely, to have confidered that John was not immortal; and in the mean time to have at all events adhered to him, how undeferving foever, in order to maintain their ancient liberties and government; rather than fubmit to a power, which, to prevent all future molestation from them, would be fure to keep them low, and break their spirits with oppression, as in fact it has happened. Thus was Normandy loft to England, one hundred thirty-feven years after William the Conqueror had brought them two to be under one head, and was made again a Province to France, three hundred and twelve years after it had been erected into a separate State in favour of Rollo and his successors; and all this done with fewer difficulties, and in less time, than Philip himself, however fanguine in his hopes, could reasonably have expected.

Who now would imagine that the French should meet with greater opposition in these islands, upon which they fell next, than they had found on the continent? For what were we, in comparison of a noble Province, full of strong Castles, and well-

Hostis igitur Francorum judicatur; constitutumque eum videri excidisse jure Urbium siniumque quos benesicii nomine a Francis accepisset; caque omnia in pristinam causam restituta, & ad jus solidum Regis revertisse; in corumque possessionem, si quis prohibeat, armis cundum. Ut sup.

² Normanni a fidelitate Regis desciscentes, Regisque Francorum favorem quærentes, Civitates & Castra commissa suæ custodiæ, sine ulla resistentia reddiderunt, &c. Walsingh. Ypod. Neust. p. 52. Masseville Hist. Somm. de Normand. Part II. p. 127. &c.

fenced Cities, each of which might have stopped a royal army many months, as several of them had actually done in former wars? Is it, that we were a braver people than our Fellow-Normans? We cannot fay that without rendering ourselves ridiculous, neither would it be true. For it was not for want of courage and bravery, as was hinted before, that the Normans made no better refistance, but out of aversion to the person of their king '. What was it then, that kept our people from being carried along with the stream, and following others in so general a defection? That which most readily occurs is this, viz. that using the sea more than the other Normans on the continent, and making frequent voyages to England (where ever fince Duke William's conquest of that kingdom, the ports had at all times been free and open to them) they became better acquainted with the English, and by much and long intercourse had contracted a ftrong liking and inclination to them and their manners; fo that when things came to that pass, that they must absolutely declare themselves French or English, they preferred the latter as the more eligible condition. But still it will be asked, what prospect, what probable hope had they, or could they have, of being able to withfland a power fo vaftly fuperior to them? Did they think they were a match for France? Would not a rash and fruitless opposition serve only to aggravate their misfortunes? There is no answering these and other like questions, but by resolving all into a kind and favourable providence, which graciously intending to preserve these islands, both then and in aftertime, from flavery and superstition, inspired our people with the bold resolution of manfully defending themselves, and was pleased to bless that resolution with success.

So long as these islands remained under the covert and shelter of Normandy, they seem to have stood in no great need of fortifications, unless perhaps against the Bretons, with whom the Normans had frequent contests. But the great superiority of these made those less seared. And as to any danger from the wars with France, there could be little, or none, the scene of those wars being mostly in the Upper-Normandy², and upon the frontier, and consequently distant from us. The French could not come at us but by first taking in the Lower-Normandy, and advancing their conquests to the sea coast, as they now did. Not that the islands were wholly naked and defenceless, it being certain that in Jersey Gouray Castle (for example) since called Mont Orgueil, was already then, and had been long before, a considerable fortress; to say nothing of

² Odiis hominum, armifque Augusti, Joannes impar-&c. Paul. Æmyl. ut fup.

Normandy is divided into the Upper and Lower, each sub-divided into several Baliwicks. Rouen is the head of the former, as likewise of the whole Dutchy; Caen, of the latter. The islands are on the coast of the Lower-Normandy.

Grosnéz Castle, which also was a place of strength, and so possibly were some others. But fure it is, that the ports and landing places had been left too much exposed to defcents, which gave opportunity to the French to gain entrance into the islands. Nevertheless, though they so far prevailed at that time, they could not keep their ground. They were beaten out again, and forced to retire with loss. They came a fecond time, yet neither then could they maintain themselves against a people resolved to perish rather than fall under their power. At the pleas holden before the itinerant judges fent to Jersey in Edward the Second's reign, it was set forth by William Demarcys , the King's advocate, that a certain King of France (meaning Philip Augustus) had difinherited John King of England of the Dutchy of Normandy, and had also twice ejected him out of these islands, &c. But that the said King John had twice re-conquered the faid islands 2, &c. This was spoken after the usual manner of complimenting Princes, to whom victories and fucceffes are ascribed in which they seldom have any personal share. For it was not until the islands had made that brave stand now mentioned, that King John exerted himself in their behalf, and then indeed he did it warmly and vigorously. No sooner was he apprized of the hazard they ran of being overpowered, and born down at last, should the French return with a greater force, but he, not thinking it enough to fend over the necessary succours, hastened himself in person to animate the people, and keep up their courage by his presence amongst them. Wherein he behaved so differently from the rest of his conduct at that memorable juncture, that is matter of just astonishment. For all writers take notice of his prodigious and almost incredible indolence under all his great losses. Whilst hardly a day passed without bringing him intelligence of some of his castles or towns taken by Philip, he stood like one in a lethargy, stirring neither hand nor foot, unmoved and unconcerned at all that happened. Neither the reproaches and upbraidings of the English, nor the loud calls and cries of those Normans who yet stuck to him, could awake him out of his insensibility, and put him upon action. Let the fate of Rouen be brought in for instance.

That

De Marisco. Tis one of the best, ancientest, and most numerous families in the island; and I think myself much honoured in the relation I have to it by my deceased mother.

Rot. Placit. coram Johanne de Fressingssield, &c. Justiciar. Itiner. in Insul. An. 2. Ed. 2. Gulielmus Demareys qui sequitur pro Domino Rege, allegat quod quidam Rex Franciz exhereditavit Dominum Johannem Regem Anglize de Ducatu Normanniæ; & tunc idem Rex Franciz per duas vices ejecerat pradictum Dominum Johannem Regem, &c. de his Insulis, & illas occupaverat tanquam annexas prædicto Ducatui; & prædictus Dominus Johannes Rex vi armata per binas vices reconquestavit has Insulas super ipsum Regem Franciz; & à secundo Conquesto suo, ipse & posteri sui Reges Anglize Insulas istas tenuerunt hucusque, &c.

That great and populous city, by having been the court and refidence of the Norman Dukes, had acquired the dignity of a capital, from which it must look to be degraded by returning under the French. That, with other reasons, made it retain an inclination for John, and resolve to abide a siege, in hope of relief from him in case of need. But when the town, reduced to extremity, fent to him for affifiance, the deputies could hardly obtain a hearing, and then were difinified with this short answer, that he could not help them, and they must shift for themselves as well as they could '. They found him playing at chefs, intent only on his pleasures and diversions, and at their return made such a report of his neglect and supiness, that the town immediately capitulated. Now, is it not wonderful, that this very fame Prince should on the sudden rouze himfelf up, thake off his floth, and fly to the aid of a few small islands, who till then had looked on the loss of whole provinces with the greatest coldness and indifference? He might indeed have some kindness for these islands, as they had been part of his appanage before he was King. For as such they were given him by his brother and predeceffor Richard I. with other lands in England and Normandy. But furely that could not work him up to fuch a pitch of zeal and concern for us, which was like putting life into a dead man. And what then must we think of this? How shall we account for it? It can be done no otherwise but by recurring again to a special providence that watched for the fafety of these islands, and confidering John only as the minister of that providence. Had he acted of himself, all the rules of human prudence would have led him to neglect us, that he might attend to other parts, which wanted him no lefs, and were of far greater moment to him than we. For though we would not be thought fo inconfiderable as to deferve no regard to be had to us, we have not the prefumption to fancy ourselves of equal importance with dominions and territories like those which this unhappy Prince fo meanly suffered to be torn and wrested from him. Therefore I conclude that it was purely for our fakes, and for our preservation, that such a spirit was put into him; and am bold to fay, that few Places have been fo evidently the care of heaven as these islands.

What I chiefly aim at in dwelling and infifting so much on this, is to stir up in the present inhabitants of these islands, my loving countrymen, a just and grateful sense of so visible a protection from above; and remind them of taking care that they render not themselves unworthy of the continuance of it, by indulging sins and vices which provoke God to forsake a people. 'Tis true, that the great deliverance in this reign was wrought

^{*} Chron. de Norm. Ch. Ivii. Masseville Hist. Somm. Part II. p. 133. Vid. Gaguin. Lib. VI. in Philippo Aug. Polyd. Vergil. Lib. XV. in Joanne.

for our fathers more than 500 years ago; but 'tis no less true, that the same deliverance, in the issue and consequences of ir, reaches down to us also, their late and distant posterity; with the farther addition of a blessing which they had not the happiness to enjoy, viz. the profession of the true religion. For those our fathers lived before the days of the reformation, and all they could in their time, and in their circumstances, be concerned to struggle and contend for, was only the maintenance of their temporal rights and liberties. They and the French had the same religion and worship. So that, upon supposition of their having been giving up into the hands of the latter, they would in that respect have been in no worse condition than they were before. But then, upon the same supposition, what must have become of us their children? 'Tis plain that all the inheritance they could have left us, must have been Popery and wooden shoes, the wretched lot and portion of our Neighbour-Normans, in their present state; under the French.

graft; and finde in face, that even they me necessive we

To return to King John, whom we have left in the islands, he could not but be much pleased with a people that had behaved so well, and accordingly was very liberal of his savours to them. He visited the islands with great care, viewed those weaker places which had let in the French, and caused the same to be fortisted. He appointed proper officers, under the name of Wardens, or Keepers, to have a watchful eye over the ports and harbours , so that none suspected to come with an hostile intention might be suffered to land. And having provided for the military defence, he next took into consideration the civil state of the islands. He set us free from all foreign dependances, and settled us upon our own bottom. Matters that in the last refort used to be carried to the Duke's Eschiquier in Normandy, he drew to himself and his Council in England. All others he left to be determined within our own selves by a Royal Court, which he instituted in each of the two principal islands, Jersey and Guernezey. He gave us a body of constitutions, which have been the soundation of all our franchises and immunities to this day, and may not improperly be called our Magna Charta, like that of England, and prior in time to it. See those constitutions

Statutum est pro tuitione & salvatione Insularum & Castrorum, & maxime quia Insulæ prope sunt & juxtà potestatem Regis Franciæ, & aliorum inimicorum nostrorum (these were the Bretons) quod omnes Portus Insularum bene custodiantur; & Custodes Portuum Dominus Rex constituere præcepit, ne damna sibi & suis eveniant, Constit. Johannis Regis. Artic. xviii.

This was the Supreme Court of Normandy, wherein the Duke sat in person, with the Prelates, Barons, &c. At sirst ambulatory, but afterwards made sedentary at Rosen, Lewis XII. King of France converted it into a Parliament, an. 1499. Vid. Terrien. Liv. xv. p. 635.

² Under Guernezey are comprised the two lesser islands of Sark and Alderney.

in the Appendix, Numb. I. I do not suppose that all these things were done at once, and at the King's first going to the islands. The framing of the constitutions, and adapting them to our laws, to which he would not derogate, required some deliberation. But I find him again in Jersey', in the sisteenth year of his reign, i. e. three years only before his death; which I take for a further proof of his care to us, continued to the last, and from which even the troubles he was then under by the rebellion of his Barons could not divert him.

ar, turner hipper land and their bir newcen priving up his the lands of the lands if a

Here when I reflect on the great obligations we have to this King, and how well he deserved of us, it grieves me that I cannot allow myself to speak of him, consistently with truth, in terms which might testify our gratitude, and do honour to his memory. But his faults in government, and vices in private life, were so slagrant and notorious, that they can in no wise be excused or palliated. Unhappy Prince! So stained with guilt, and sunk in same, that even they to whom he was the greatest benefactor, must be assumed to open their mouths in his commendation. All that can truly be said of thim, is, that he was the instrument of providence for our good.

I observed before that while Normandy and these islands went together, some gentlemen had possessions in both. This now was grown impracticable, each of the two angry Kings threatening to seize the lands of those who did not instantly withdraw from under the obedience of his enemy, and join themselves to him. And as it was very natural, so the practice generally ran for gentlemen to stick to that side where they had most to lose. Thus in Jersey proclamation being made for the Seigneurs de Paisnel, d'Orville, Pinel, Commendes, d'Auneville, du Fourmet, d'Orglandres, &c. to repair to the island under pain of consistation and rebellion, and the main bulk of their estates lying in Normandy, 'tis no wonder if seeing they must be losers somewhere, they chose to be so where their effects were less considerable. On the other hand, the Seigneur de St. Ouen, of the name and family of Carteret, possponing all views of interest to those of duty and honour, and remaining unmoveably fixed in his allegiance to England, had his Lordships of Carteret, Angeville, and diverse others, which he held in Normandy, and were his ancient patrimony, taken from him, and made forseitures,

Daniel's Life of King John, in the Complete History, &c. Vol. I. p. 165. See also Rapin, in the fame Life.

From this the family takes its name. It is a small town on the sca-coast of the Lower-Normandy, betwist Cherbourg and Coutance, North-East of Jersey. I find it placed very right in Mr. Senex's Map of France.

Et plusieure autres. Chronique MSS. de l'Isle de Jersey, Ch; iv.

whereby none lost and suffered so much as he; those Lordships and lands in Normandy much exceeding in value his Jersey estate. Of the merit and signal services of this family to the Crown of England, in maintaining its rights, and afferting its interest in these islands, under all turns and changes, some of them discouraging enough, the following sheets will afford further instances.

I have enlarged on this reign greatly beyond the former, it having been of all others the most trying and critical reign with us. It was that which rent and severed us from Normandy, our mother-country, once a land of brethren and friends, but now of enemies, for such to us the Normans became by their coalition with the French; and the more dangerous enemies for their being so near us, and as it were at our doors. Therefore when hereafter I speak of the French, and of their hostilities against these islands, I would be understood to include the Normans with them, as no less adverse to us than they, fince our separation from them. But, to make us amends, in this reignalso it was, that we had the honour to be taken into a nearer relation to England than before, fomething like an adoption, the more grateful to us as it made no material alteration in our constitution. From being mere English subjects, we then came to be reputed Englishmen ; and we are proud of the name, yet reckon it a happiness to be fuffered to live under our own laws, and enjoy our ancient usages, though it must necessarily keep a fort of distinction betwixt the strictly English and us. Some writers? not well acquainted with our affairs, have so made us one with England as to lay us within a particular county, viz. Hampshire. But this is a great mistake. Hampthire indeed is one of the nearest counties to us 3, whose ports we mostly frequent for commerce. On any other account, we have as little to do with it as with Northumberland, the remotest from us. In short, these islands are properly a peculiar of the Crown of England; and as in England the Legislature is the Sovereign with his two. Houses of Parliament, so here 'tis the same Sovereign with his most honourable Privy Council.

By this time I suppose the reader is pretty well informed of what we have gonethrough, to come at our present settlement. It remains to speak of the vain attempts, made by the French in the succeeding reigns to break in upon us, which will not require so long a deduction as the preceding transactions.

The French themselves learnt to call these Islands Les Isles Angloises, i. e. the English Islands.

² Hollingshead in his description of Britain, p. 32, followed by others.

³ Portland in Dorsetshire is the nearest part of the continent of England to us.

Henry III. fon of King John, lost his father being himself but ten years old, which proved happy for him and the kingdom, contrary to the more usual fate of minorities. The quarrel betwixt John and his Barons had rifen to fuch a height, that they had fet up Lewis, son of Philip Augustus, against him. At their invitation the Prince came over, and a cruel war enfued in the bowels of the kingdom. But the King dying, the same Barons, in pity to the youth and innocence of his children, returned to their duty, and fell off from Lewis; who not willing to let go his hold, fent for a reinforcement from France. Those troops were met at sea, and defeated; which obliged Lewis to drop his pretensions, and retire. The chief commander of the fleet which did that good service, was Philip de Aubigny', Lord, (for such then was the title) i. e. Governor of these islands; and the fleet consisted of the shipping of the cinque-ports, with fuch additional strength as the islands could bring. I confess I have no direct authority for the last particular, but it must be for that, or for some other action of no less merit with him, that Henry some years after, under an apprehension of danger to the islands, issued forth his royal mandate to the Barons of the cinque-ports, to go to their assistance upon the first notice from the Governor; adding for a reason of such his care of them, that they had deserved well of him, and he owed them both commendation and thanks 2. The same regard he tetained for them so long as he lived. For albeit the troubles he met with in the after-course of his reign drew him into a dishonourable treaty with France, by which he yielded up Normandy 3 to that Crown upon very unequal confiderations, he never would, nor did, make cession of these islands. The French on the other fide, though the faid treaty was wholly in their favour and to their advantage, could not yet rest satisfied with it. Still they were uneasy to see these islands in English Wherefore in the very next reign, which was that of

Edward I. they made a fresh assault upon them, in which they succeeded no better than in the former. The people stood stoutly on their defence, and drove back those invaders. There is still to be seen remaining upon record 4 the provision that was made, by order from the King, for the widows and orphans of such of the inhabitants as were

Mat. Paris. Hist. add ann. 1217. Edit. Wats. p. 250. Daniel's Life of Hen. III. in Compl. Hist. p. 171. Another great commander in this fleet was Hubert de Burgh, Governor of Dover Castle.

Mandatum est Baronibus de Quinque-Portibus, quod si opus habuerit (Ricardus Grey Custos Insularum) & illud eis scire secerit, in ejus auxilium veniant; ita quod Dominus Rex eos, (viz. Insulanos) meritò debet commendare, cum gratiarum actione. Teste Rege apud Westm. 16 die Maii. An. Regni. x.

³ That is to fay, his right and claim to Normandy, for the French were already in possession.

^{*} Brevia facta de petitionibus hominum Geres. & Gernes. retornatis in Confilio in autumpno An. regni Regis Ed. xxIII°. Vid. Ryley's Placita Parliamentaria in Appendice, p. 469.

flain in the conflict thay had with the enemy; with gratifications to others that had fignalized themselves, or sustained any considerable loss, on that occasion; which gratifications were extended to some of the clergy ', who in these islands have always been examples to the rest of zeal and affection to the English Government.

Edward II. was fo nearly allied to France, by his marrying Isabel, daughter of one, and fifter of three of their Kings, that in his time there was peace betwixt the two Crowns, and we also ceased to be molested from that quarter. But we could hardly have fuffered more from a French invasion, than we did from the unhappy administration of affairs in this reign. The commotions in England occasioned by it are well known. Our particular grievance was, an open violation of all our most valuable rights, by the Judges of Affize coming to the islands, and bringing innumerable vexations upon the inhabitants. Not only public privileges, and public grants, but private inheritances and properties were called in question. No man was secure of ought he possessed. There was no end of plying us with quo warrantos. And as if it had not been enough to be thus perfecuted at home, the poor people for further trouble were remitted to a long and chargeable attendance on the Courts at Westminster, directly contrary to our fundamental Constitution, which exempted us from the power and jurisdiction of those Courts. The consequence of such usage must have been the depopulating of the islands, and thereby laying them open to the French. But after fome years suffering, and under a better reign, viz. that of Edward III. upon a petition of the two chief islands, still to be seen in the Treasury at Westminster 2, that horrid justice was superseded, and we were restored to our former freedom and independence.

Edward III.'s pursuit of his claim to the Crown of France by arms, brought our old enemies again upon us, who gave us several unwelcome visits during that famous controversy. Philip de Valois, to whom the states of that kingdom had adjudged the succession, preventing his competitor, had prepared and equipt a powerful navy 3, which he now sent under three Admirals, Hugh Queriel, Bahuchet, and another, to cruise in

Edwardus, &c. dilecto & fideli suo Henrico de Cobham Custodi Insular. de Gerneseye & Gerssey, & ejus Locum tenenti, Salutem. Quia accepimus quod Ecclesia S. Elerii in Insula de Gersey vacat ad prefens per mortem Nicholia de Ponte, quon dam, persone ejustem Ecclesie, & nos Ranulphum filium Petri Maret clericum, quia gravia & diversa dampna sustinuit, per conflictum nuper habitum in predicta Insula, inter homines ejustem Insule & quossam alienigenas inimicos nostros, graciose prosequi volentes, vobis mandamus quod eidem Ranulpho Ecclesiam—præ aliis—conferatis. T. meipso. ap. Westm. 29. die Aug. An. Regni nostri xxIII. Vid. Ryley ut sup.

^a Mich. 6. E. 3.

³ Chronique de Froissart. Vol. I. Ch. xxxvi & xxxviii.

the channel, and (if possible) keep Edward at home upon the defensive, instead of his aiming at conquests abroad. Then was the coast of England grievously spoiled and annoyed by the enemy, the rich trading town of Southampton sacked and plundered by them, and these islands more furiously set upon than ever they had been before. Insomuch that Guernsey fell into their hands, the strong Castle of Cornet (till that time thought impregnable) not excepted. They fared not so well in Jersey, being repulsed before Mont-Orgueil Castle, yet did a great deal of damage to the open country. In one of the attacks upon the Castle, the brave Governor, Droûet (or Drogo) de Barentin, Seigneur de Rosel, was killed; but his place was supplied by Renaud de Carteret, a gentleman of equal courage and valour.

These insults of the French alarmed the Parliament in England, and drew a represention from it to the King, to keep the fea, and to purvey for the navy, and to defend the Isles of Jersey and Guernsey, the good effect of which was seen soon after. For the very next year, that mighty fleet, confisting of no less than a hundred and twenty capital ships, besides two or three hundred others of less burthen, and carrying forty thousand men, Normans, Bretons, Genoese, &c. toutes gens de fait & de mer, as Froisfart speaks , i. e. all resolute fellows and used to the sea, was so intirely broken and defeated by the English, that perhaps there never was a naval victory so complete as that. The design of Edward was to land at Sluys, in order to join his allies, the Flemings, Brabantines, and others, and with them to enter France on the fide of Picardy. The French having intelligence of it, went and posted themselves before that harbour to intercept him. And though they were so much superior to the English, it did not deter Edward from attacking them, and forcing his way through them, with fo terrible a flaughter of the men, that according to Froisfart (who is very particular in describing the fight) not one escaped being either killed or drowned . This no doubt is exaggerated. But the French writers themselves own ten thousand killed, and the like number

So called here by anticipation. The name it went then by was Le Chasteau de Gouray. See hereafter in Henry V.

[.] Once a prime family in Jersey, but now quite extinct.

[·] Ex MSS.

[.] Sir Robert Cotton's Abridgement of the Records in the Tower, p. 29.

Chronique, Vol. I. Ch. li.

Et furent les Normans, & tous les autres François, desconfits, morts, & noyés; & oncques pied n'en eschappa, que tous ne sussent mis a mort, Id. ibid. 63 It seems that Froissart should be a disinterested writer, as he was neither an Englishman nor a Frenchman, but of Valenciennes in Hainault. Nevertheless Gaguin accuses him of partiality to the English, Compend. Lib. VIII. in Philip Valesio.

taken prisoners, which is as much extenuated on their fide. Thus was the evil which that fleet had done to England, and to these islands, repaid with usury.

All this while the French were masters of Guernsey, and held it three whole years. And though it was happy for Jersey to have got rid of them, as was said above, it could not but be deeply concerned at the misfortune and calamity of its sister-island, without rescuing of which it very well understood its own safety would always be precarious. For such is the site and nature of these islands, that the same sate must ever attend them, and the loss of one (I speak of the two principal) will necessarily sooner or later draw the loss of all the rest after it. The deliverance of Guernsey was too great an enterprize for those of Jersey to go upon, on their own strength alone. But hearing of a sleet ready to sail from England with recruits for the King, and of orders given to the commanders Reynold de Cobham and Jessey de Harcourt, to attempt in their way the recovery of the captive island, they raised a contribution of six thousand four hundred marks of that service, went out and joined the sleet, and affisted in retaking both the island and the castle; many Jersey men of note losing honourably their lives on that occasion, as the Sieurs de Vincheléz, de Matravers, des Augrez, de Garis, de la Hougue, Lempriere, and other leaders specially named, besides private adventurers.

The victory before Sluys was but the prelude to those many great actions which followed in the progress of this war, and gained so much glory to Edward. For more than twenty years together, history scarce speaks of ought else but of his triumphs and amazing successes. Those also were times of rest and quiet to these islands, the French being in no condition to give them any disturbance. In those happier days there was an honour intended to us of Jersey, which it may not be improper to mention. The King of Navarre, breathing revenge for some pretended injuries done to him by the French, desired to join arms with Edward, and proposed Jersey as a commodious place for the two Kings to rendezvous at with their forces, and thence to pass into Normandy, where the former had a powerful interest. To this Edward agreed, and

Masseville Hist. Somm. Vol. III. Liv. ix. p. 163. Vid. Walsingham Ypod. p. 117. Polyd. Vergil. in Edw. III. p. 369.

² If the mark be here taken according to the then and present standard in England, the sum must seem exorbitant, considering the smallness of the island, and the value of money in those days. I set it down as it lies in the memoir before me.

^{*} Ex MSSto.

⁴ Sir Robert Cotton's Abridgement of Records, p. 90.

put to sea from the Thames with a royal navy, steering directly for Jersey. But being forced back by contrary winds into Portsmouth, and there understanding that the false and fickle Navarrois had reconciled himself to the French, he went and landed at Calais. This project of the two kings to enter Normandy by the way of these islands, though it came to nothing, seems to have kept up ever fince in the minds of the French a jealous, lest they, viz. the said islands, be one time or other made a bridge for the English to visit them on the continent.

Propositions and overtures of peace were often made, which brought on only now and then a short and ill-kept truce. In one such, betwixt Edward and Philip de Valois, at the beginning of the war, I find these islands comprehended by name. It is there articled, " that if any place was then befieged by either of the two kings, or their confederates, in Gascony, Aquitaine, the isles of Gerneseye or Geneseye, the siege should be raised upon notice of the truce." At last came on the samous treaty of Bretigny, at a time when Edward was in his greatest prosperity2, who nevertheless confented to lay down his claim to the crown of France, and to give up Normandy, as Henry III. had done before him. Let others reason about that treaty as they please. I meddle with it no farther than these islands were affected by it. As a fort of equivalent to Edward for the concessions he made, the full and absolute sovereignty of Guyenne, Poictou, Saintoinge, and of those other southern countries and territories in France, for which homage was due to that crown, was yielded and granted to him. And forasmuch there were some considerable islands along that southern coast, as Rhé, Oleron, &c. about which disputes might arise, Edward insisted on an express declaration that they were included in that grant. Rex verò Anglia, & baredes sui, omnes insulas patriis pradictis adjacentes, tenebunt'. i. e. "The King of England, and his heirs, shall have and hold all the islands adjoining to the said countries." Then follows, una cum Insulis quas

^{*} Enfy accorde est que si par ascune dez roys, par lours gentz, oue lours alliez, oue coadjutours, ascunes, (viz. seges) soient misez en Gascoine, en la duche Dacquitaine, oue en altres yles de mier, en Gerneseye & en Geneseye, oue aillours, les seges se leveronnt si tost comme les trewez vendront à lour conisance. Henry de Knyghton, among the Decem Scriptores published by Selden, &c. p. 2579.

[.] He then had John King of France his prisoner.

Walfingham Hist. Angl ad an. 1360. seu 34 Edw. III. p. 160. This author in giving an extract of the treaty, has not distinguished it into articles. In Rymer's Act. Publ. Tom. VI. p. 178, where the treaty is at length, the article concerning the islands is the VIth. in number. But Rapin has shortened and contracted it, so as to omit the clause which relates particularly to Jersey, Guernsey, &c. For this is all he recites of that article; plus, toutes les isles adjacentes aux pais ci-dessus nommez. i.e. Moreover, all the isles adjoining to

This clause relates to the Islands of Jersey, Guernsey, and the rest, which Edward actually and quietly then held and possessed; and the same was added, less the French should pretend that they had acquired a right to them by the surrender of Normandy. Now I cannot but observe again a special providence in this reservation made in our favour. For while Edward was thus bartering away crowns and provinces, how small a matter was it for him to throw a few islands into the bargain? he who could so easily part with so fine a country as Normandy, what could make him stick at giving up these islands along with it? What, I say, but an invisible power over-ruling his counsels, and restraining him from doing that which would have determined our ruin beyond all hopes of remedy?

Although in the execution of the treaty, failures and non-performances of articles were complained of on both fides, yet still the face and appearance of a peace subsisted for about nine years, when the war broke out again with the same sury, but not with the same success to England as before. Edward was now on the decline of his life, enseebled both in body and mind with the labour and fatigue of so long a contention. His brave son, the black Prince, lay languishing under a chronical distemper, which carried him off when his father and his country most needed him. The kingdom was exhausted, and full of discontents. On the contrary, the French had greatly retrieved their affairs, and had on the throne a king in the flower of his age, of a cool head , and great wisdom, thence called Charles le Sage, i. e. Charles the wise, who knowing his advantages, was indeed too wise not to lay hold of them and pursue them. In fine,

the countries above-named. He seems to have taken what follows to import no more than what was said before, for to be only a redundancy of words. Whereas nothing can be plainer than that the article consists of two parts, and speaks of two forts of islands. First, of those the sovereignty whereof was then for the first time made over to the King of England. Secondly, of those that were his already, yet would he have the continuance of his right to them declared, by reason they were originally parcel of a country which he was now yielding up, so that without such a declaration, they to whom the said country was transferred might in after time lay claim to them. Dr. Brady, who likewise gives us the whole treaty, and quotes the record whence he had it, viz. Rot. de Tractat. Pacis. Franc. 34 Edw. III. M. 10. he, I say, is more exact. For thus he translates the said article from the French original: also 'tis agreed the King of England and his heirs shall have and hold all the isless adjacent to the lands, countries, and places before-named, together with all other, isless which he holds at present. Hist. of England, Vol. III. page. 264. I have only to add, that it has always been said and understood, that in the treaty of Bretigny a reservation was made of these islands to England, and it must be found in this clause, or no where.

Philip de Valois who lost the battle of Crecy, and John who lost that of Poitiers, were valiant princes but rash, and heady, which was the cause of their missortunes. Charles was of another character.

what through his own well-concerted measures, what thro' the valour of his renowned constable, or general, Bertrand du Guesclin, he so prevailed and became in a few years superior to Edward, that the latter had very little left him in France, not only of what he had won with his sword, but also of what antecedently and of antient right his predecessors had enjoyed in that kingdom.

Let us now see what share these islands had in that astonishing reverse of fortune.

Not long after the rupture, the French let us know that they had not forgot us. Normandy was now theirs again, but it would not content them unless we were theirs too. Charles had at his Court, and in his service, one Yvans', of the blood of the antient Kings of Wales, an irreconcilable enemy to Edward and to all the English, on account of his father having been put to death for pretended rebellion, and he himfelf bereaved of his inheritance. Inflamed with a defire of revenge, and being particularly versed in sea affairs, none was thought so fit as he to be employed in reducing these islands. And so with a good fleet, and four thousand landmen given him for that expedition, he failed from Harfleur in Normandy, and finding Guernsey first in his way, he began with that. The Islanders received him with great bravery at his landing, but being overpowered, they were obliged to give back, leaving four hundred of their number dead upon the shore. The Castle was next besieged, and vigorously assaulted, but so well defended, that Charles, who did not imagine that the gaining of it would have proved so difficult a work, recalled his troops, and fent Yvans upon another enterprize. The old chronicle of Flanders 2 speaks of hostilities against the same Island of Guernsey, by the admirals of France and Castile 3, the year before King Edward died. But these came only as pirates and robbers, for the sake of plunder. We must not expect that Jersey should be without having its turn to suffer. And indeed the most terrible from of all fell upon it. For the Constable of France himself, mentioned above, not thinking it a disparagement to his other conquests to add this island to

Froissart Vol. I. Ch. cccv et cccv1. Hist. de Bertrand du Guesclin, Connétable de France, & par du Chastelet. Liv. v. §. 12. Hollingshead ad an. 1372. pag. 407.

[·] Chronique de Flandres, publiée par De Fontenailles, a Lyon 1562.

Peter, furnamed the Cruel, King of Castile, had been ejected out of his kingdom for tyrannical government, and Henry his bastard-brother placed on the throne. The too-generous Black Prince, with an English army, restored the tyrant, who soon after lost his kingdom again together with his life. Henry, offended at the protection given to his competitor by the Prince, became an enemy to England, and sided with France which had affisted him. It was that satal expedition into Castile that occasioned the rupture of the peace of Bretigny, and consequently all the calamities ensuing thereon. This note is added to take off the seeming strangeness of a Castillan sleet coming against these islands.

them, resolved to make it feel the weight of his arms. He had observed, says the author of his life', that the fituation of Jersey and Guernsey very much favoured the descents of the English into Bretagne, where the war had spread, and raged as hot as in France, and where he himself then was, warring against the English; for that by laying up their stores and provision in those islands so near at hand, they were easily and readily supplied from thence when they wanted. D'Argentré in like manner tells us, that Du Guesclin eyed these islands as la retraite seure des Anglois 2, i. e. the sure retreat of the English. Finding it therefore necessary to deprive them of that retreat, he came suddenly to Jersey, at the head of an army of ten thousand men, wherein were the Duke of Bourbon and the flower of the French chivalry, and encamped before. Mont-Orgueil Castle. It does not appear that the inhabitants offered to dispute his entrance into the island, which probably would have been in vain. They put all their hopes under God in the strength of the Castle, and in the courage of those brave men who were in it to defend it. Nothing was omitted on the part of the affailants that could be done, after the manner of carrying on a fiege in those days. Some of the out-walls were thrown down by fap, which did not affect the main body of the place. At last it came to a composition, that they within should surrender, if not succoured before Michaelmas-day next enfuing; and the Constable should break up his camp, and depart. Such compositions were then pretty frequent, and continued so to be as long as there was any good faith left among men, to speak in the words of Mezeray 3; and they feem to have been introduced for faving the honour of both parties, when alike tried and wearied with a siege. The Constable being returned into Bretagne, soon after heard that an English fleet had appeared at sea, coming to relieve the Castle ; and thus ended that affair, and the Castle remained untaken. This, I think, was the only place belonging to England, which, when all others that he attacked fell before him, baffled the arms of that great and fortunate warrior.

Richard II. fon of the Black Prince, had his grandfather's crown and wars devolved upon him together at once; a burthen to which a child who was but eleven years old must needs be very unequal. Edward justly dreading the consequences of a minority

^{*} Liv. vi. § 6. p. 242, 243.

^{*} Hist. de Bretagne. Liv. vii. Ch. xv. fol. 426. verso.

Cette forte de Composition se pratiqua tant qu'il y eut quelque peu de bonne soy. Elle portoit toujours surseance d'Armes, durant laquelle les Assiegeants ayant pris des Ostages des Assiegés levoient leur Camp, & leur laissoient toute sorte de Liberté, hormis de recevoir des gents de guerre dans leur Place, et de la munir, ou de la fortisser. Abregé, au Regne de Charles V. ad an. 1372.

[·] Hist. de Bertr: du Guesclin. Liv. VI. §. 6. pag. 244.

in such a conjuncture, would have renewed the peace of Bretigny, and receded from many of his pretentions. But the French, elated with their good fortune, stood aloof, and would only confent to a fhort suspension of hostilities, which was already expired, when Richard began his unhappy reign. Unhappy indeed, not only to the kingdom, but moreover to himself. Under it nevertheless all was quiet in these islands, and the French never went about to give us any trouble. Of which unufual forbearance towards us the reason must be, as I conceive, that having formed a design to retaliate upon England the evil it had done them in Edward's days 1, and relying with great affurance on the vast and almost incredible preparations they had made for an invasion and conquest of that kingdom 2, trusting withal to reap no small advantage from the factions and divisions within it; it would have been absurd for them, and perfectly needless (whilst they were so consident of carrying their point) to turn their arms this way, fince they very well knew that the fate of the faid kingdom would determine ours, and that the gaining of it must of course throw us into their hands. And when that defign was laid afide, and the two Crowns did agree upon a truce of eight and twenty years, which was strengthened by the marriage of Richard with Isabel, the French King's daughter, their hands were then likewise tied by that convention from acting against us. This interval of calm and tranquillity in these islands, whilst Richard reigned, came very feasonably to relieve us, and give us time to breathe after our former fufferings.

Henry IV. not contented to have dethroned his cousin Richard, was prompted by his guilty fears to take away that poor Prince's life also, which inhuman fact made him deservedly odious both at home and abroad. At home, he was perpetually haunted with plots and rebellions. From abroad, he was defied and insulted 3. Being obliged for his security to keep a power at sea, there followed a bloody engagement betwixt it and a sleet under the admiral of Bretagne, wherein the English were worsted, lost forty ships, and had above two thousand men killed or taken prisoners. When by that victory the enemy had cleared the sea of the English, they fell upon these islands;

S'ejouissoient Chevaliers & Escuyers, quand ils partoyent de leurs Maisons pour aller avec le Roy de France en Angleterre; & disoyent, or irons nous sur les maudits Anglois, qui ont fait tant de maux & de persecutions en France. A ce coup en aurons nous vengeance de noz peres, de noz freres, & de noz amis, qu'ils nous ont mis a mort et deconsits. Froissart, Vol. III. Ch. xli.

^{*} Id. Vol. III. Ch. xxxv. & xxxvi. Gaguin. Lib. ix. in Carolo V. Mezeray Abregé ad an. 1386.

The Duke of Orleans, who married the Queen Relict, challenged him in very reproachful terms; and the Count De St. Paul, who had married Richard's fifter, treated him no better. Chron. de Monstrelet, Vol. I. Ch. ix. & x.

and though for want of being provided with things necessary for a siege, they could do nothing against the castles, they wrought all the mischief and damage they were able to the inhabitants. And this is all I find in this reign that particularly concerns us.

Henry V. was no sooner on the throne but he laid claim anew to the Crown of France, which claim, though not expressly dropt, yet had lain dormant during the two last reigns. The war began in Normandy, which Henry had mainly set his heart upon, both as it was very desirable for its own sake, and as it would open a way for him to penetrate further into France. In reducing that part of the Coûtantin near us, wherein are the cities of Coûtance and Avranches, the towns of Granville and Pont-Orson, and the strong place of Mont-Saint Michel², these islands were of good use and service, as on other accounts, so particularly in being a safe station, in those short and narrow seas, for the English shipping that attended upon the army on land. The Duke of Clarence, Henry's brother, commanded that army 3.

Now according to a received tradition with us in Jersey, it was at this time that Mont-Orgueil Castle, so often mentioned already, obtained the name it now bears, being before called Gouray Castle, from the village of Gouray, which lies hard by it. And the said name of Mont-Orgueil does so exactly suit and tally with the losty situation and noble appearance of the Castle, that he must have been well acquainted with it, and have taken a good observation of it, who first gave it a name of such propriety and significancy. For it stands on a high rocky promontory, joined to the main island by a low and narrow isthmus, and proudly over-looks, (I had almost said) threatens the neighbouring coast of Normandy. I took up too hastily with the common opinion, which makes the King himself the author of that name. Having found since that Henry came no farther this way, nor nearer to us, than Caen, I rather now incline to ascribe the same to the Duke of Clarence, who, as was said before, commanded in these parts. Whilst that Prince lay about Coutance, in full sight of Jersey, 'tis scarce conceivable but that either curiosity would move him, or the very service he was upon would oblige him, to make a trip hither; which, both in his coming and return,

D'Argentré, Liv. x. Ch. v.

This last was not taken, as all the others were. It is a stupendous structure, which I have beheld with admiration. But there is no room here for a description of it.

² Chron. de Norm. Ch. Iviii. Maffeville Hift. Somm. Part IV. Liv. xi. pag. 65.

⁴ Or Goré. The late Sr. de Samarez observes that he had read in some antient writings Castellum Gurrit.

⁵ In the former edition.

needed not take up above eight and forty hours at most. And being here, and seeing a castle that made so stately a figure, and had of late gained a great reputation by the repulse it had given to the constable of France, it was very natural for him to think it deserved a more honourable name than that which it borrowed from a mean though antient village. After that, when the same Prince came to make a report of his Expedition to the king his brother, he could not fail acquainting him with what he had observed concerning this castle; nor could the King thereupon do less than order it to be well looked to, and to have all that further done to it which might add to its security and ornament. D'Argentré takes notice of the English being so very jealous of this castle, that no Frenchman was suffered to come within the gate without being first blindfolded. Notwithstanding all this caution, and the intrinsick strength of the place, a way was made for the French to get into it, and seize upon it, in the latterent of the weak reign of

Henry VI. which happened in this manner. During the contest betwixt that unfortunate prince and Edward IV. for the crown, Queen Margaret, wise of Henry, went into France to crave succour of Lewis XI. who then reigned. She herself was a Frenchwoman, daughter of the Duke of Anjon, and nearly related to Lewis. But that wary and politic King would not be seen openly to concern himself in her affairs, for fear of renewing the war with England, which his father Charles VII. had not long before terminated by the total expulsion of the English out of France. However underhand he connived at her transacting with a great Lord of Normandy, named Peter de Brezé, Count de Maulevrier, to this effect; that in consideration of the aid and affistance he should bring to King Henry her husband, these issands should be made over to him and his heirs for ever, to hold them independently from the crown of England. Being one who had eminently distinguished himself in the war against the English, and acquired a great name among the soldiery, he soon got together a body of two thousand veterans, whom he took with him into England, and there did

Ad Orientale latus quà Constantiam Urbem ex adverso prospectat, præruptæ rupi Castrum affigitur munitissimum, elato nomine Mont-Orgueil, quod plurimum Henrico V. instauratori debet. Camden de Insul-Britan. page 854.

Hift. de Bretagne, Liv. vii. Ch. xv. fol. 427.

How much Lewis dreaded their return, and how artfully he fent back Edward IV. without doing any thing, when the latter was actually passed over with a good army to pursue the old quarrel, may be seen at large in the Memoirs of his celebrated historian Philip de Commines, Liv. iv. Ch. v. &c.

[.] Grand Senéchal de Normandie.

Ft de la Varenne. Masseville Part. IV. aux Remarques. pag. 412.

as much service as could be done in support of a declining and finking cause. In the mean time, to make fure of his reward (vastly exceeding and disproportionate to any service he could do) he sent one Surdeval, a Norman gentleman likewise, with a competent force, to take possession of Mount-Orgueil Castle; which the English commander, who was of the Lancastrian Faction, and a Creature of the Queen, had fecret orders to deliver up. It was contrived amongst them that the French should come in the night, and the commander be taken in his bed, to the end the thing might pass in the world for a surprize (from which the strongest places have not always been exempted) rather than a premeditated and concerted treachery. The Count having done with England, came in person to Jersey, and began to exert his authority there; styling himself in all public acts set forth in his name, "Peter de Brezé, " Count de Maulevrier, &c. Lord of the islands of Jersey, Guernesey, Alderney, " and the others adjoining, Counsellor and Chamberlain of our Sovereign Lord the "King of France";" whereby, as he proclaimed his own dependence on the faid King of France, so he plainly gave the inhabitants to understand, that they likewise must thenceforth look upon themselves as servants and subjects to the same master. At this they were enraged. To be thus betrayed and fold to the French, seemed more intollerable to them than to have been conquered with the fword. The Count did all he could to footh their discontents, but in vain. All his promises of gentle usage, and of a gracious government, if they would own him, and transfer their allegiance to France, made no impression upon them. So that in about fix years time, he could not bring under his obedience above half, i. e. fix parishes, of the island; the other half, headed and influenced by Philip de Carteret, Seigneur de St. Oûen, standing out in defiance of him. The island is extended in length from East to West, and had then at each extremity a Castle, Mont-Orgueil on the East, and Grosnez 3 on the West. This last Philip de Carteret took care to secure, as a place of defence and safety for himself and those who with him adhered to England, whilst Mont-Orgueil was held by the Count with his Frenchmen and Normans, and betwixt these two parties there happened (battles I cannot fay, but) frequent rencounters and skirmishes. Even those fix parishes which obeyed the Count, were not better affected to him than the rest: but lying nearest to Mont-Orgueil Castle, they were forced to submit, for fear of military executions. In this state things remained until the quiet possession of the throne by

· Chronique MSS. de L'Isle de Jersey. Ch. v.

A Chron. de Monstrelet. Vol. III. fol. 95. Verso. Masseville, part. IV. Liv. xiv, p. 257.

[•] Of this very antient Castle nothing remains but the foundations of some of the walls. The Map shews where it stood.

Edward IV. For then Sir Richard Harliston, vice-admiral of England, coming to Guernesey with a squadron of the King's ships, Philip de Carteret let him know what a hard struggle he had to keep the island from being quite over-run by the French. The admiral thereupon, leaving his ships in Guernsey road, hastened privately to him at his Mannor of St. Ouen in Jersey; and there they two entered into a consultation about the properest means to recover the castle. The result was, to go about it instantly, before the French knew of an English fleet so near them. Now, they lay confident and secure, but if alarmed with the apprehension of a fiege, they would provide against it, compel the country to store and victual them, and give notice to their friends in Normandy of the danger threatening them. To think of carrying the castle by force, would be rashness and folly. What only could be done with any probability of fuccess, was, by a close blockade, to reduce those within to fuch straits and necessities, as should make them even glad to be suffered to depart with their lives; and for effecting this, the utmost speed and secrecy were requifite. Accordingly never was a defign of this nature more prudently and happily conducted. The word being given by Philip de Carteret, went in a moment through the island, passing from hand to hand, and in the beginning of the appointed night the people took to their arms, and marched in great filence to invest the castle. At the fame time the fleet weighed ancher, and failed from Guernsey: fo that in the morning the French, to their great furprize and amazement, faw themselves surrounded and shut in both by fea and land. Albeit it had not been judged proper to make any forcible attack upon the castle, yet there was a good deal of action, and it cost the lives of divers of the inhabitants in defending their lines, and repelling the fallies of the befieged; and the Seigneur de Rosel is particularly numbered among the flain on one of those occasions.

All the while the French were contriving how to get aid from Normandy, which they knew would not fail them, so they could but find means to make their condition known there. At length they imagined that possibly a boat might pass undiscovered through the fleet, under favour of the night; and it being the last and only shift lest them, they resolved to put it to the trial. Though they needed but one boat, they caused two to be built; one openly upon the rampart, in view of the besiegers; the other near the former, but hid, and out of sight. The workmen were ordered so to time their blows, and strike evenly together upon the two boats, that from the camp without no sound might be heard but what would be supposed to come from the boat on the rampart. By this devise, that which lay out of sight was sinished, while the workmen were still seen busy about the other. Our people were not ignorant what use the

boat

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The islanders gained much honour by this siege, and had thereupon a new charter granted them, with special acknowledgements of their good service, and the same has ever since been inserted and repeated in all our charters to this day, in perpetuan rei memoriam. Sir Richard Harliston was recompensed with the government of the island. But what reward was conferred on Philip de Carteret, who had been the very life and soul of the undertaking, I cannot find. However, he could not miss that which always attends the doing of brave and worthy actions. I mean, the public esteem, and the inward satisfaction of having faithfully and honourably acquitted himself to his King and to his country, following therein the example of his ancestors. It has escaped me to observe in its proper place, that the Count, our pretended Lord, had left the island before the siege, and was, not long after, killed at the battle of Montlehery, sighting for his Master Lewis XI. against the Count de Charolois, afterwards Duke of Burgundy.

It was ever best with us when the French had other more important work to employ their hands, and 'tis to their aspiring after greater conquests that we owe those quieter times which we are now entering upon; times that take up the whole space betwixt our two Edwards IV. and VI. So that nothing of moment, concerning the French and us of these islands, occurring under the immediate reigns, I might very well pass those reigns over, were it not that the method in which I have begun requires to have the line and succession of our Kings continued unbroken.

Chron. de Monstrelet. Vol. III. fol. 116. Memoires de Commines, Liv. 1. Ch. iii.

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France being delivered from the English, the crown reinstated in the possession of the alienated provinces, the royal power advanced to a greater height than before, those prosperities put Charles VIII. and his successors upon enlarging their views of empire. The kingdom, though so much increased by the losses of England, and by other accessions, was now too little for them. They must pass the Alps, and extend their dominion into Italy, by the conquests of Naples and Milan. No wonder if being engaged in such an enterprize, and pursuing it obstinately by a war of more than forty years, attended with a great variety of events; no wonder, I say, if their thoughts were taken off from these islands, and they lest us at rest, whilst they carried fire and sword into other parts of the world. Coincident with that long war were the following reigns of

Edward V. an innocent young prince, foon made away by his unnatural uncle

Richard III. whose wicked usurpation can only entertain us with ghastly spectacles of tyranny, cruelty, and murther; from which turning away,

Henry VII. offers himself next to us, a better man, and a special favourer of these islands. Whilst he was only Earl of Richmond, and sled from his enemies of the house of York, who sought his life, whether designedly, or driven by contrary winds, he landed in Jersey, and here lay concealed till he got a passage into Bretagne. Being a wise prince, he observed some desects in the government and public administration amongst us, which he took care to amend when he came to the crown. And as King John had given us constitutions, so he gave us ordinances, in xxxiii articles, to be laws to us, as they are to this day, except where time or subsequent regulations from the council-board have introduced some change into them. I say no more of them here, because they will be mentioned again hereaster. The last reign, which coincides with the French war in Italy, is that of

Henry VIII. a reign remarkably checquered with good and evil, of both which we had our share in common with the rest of our fellow-subjects. Our Jersey Chronicler has preserved the memory of some things under this reign, fit enough to be remembered among ourselves, but of too private a nature to fall properly within the plan of this history. They mostly relate to the haughty and arbitrary conduct of some of our gover-

Lewis XI. father of Charles VIII. laid the foundation of that more absolute and despotic sway, which has ever fince been exercised by the Kings of France. Historians express it by saying, qu'il avoit mis les Rois hors de page. Mezeray Abr. au regne de Loûis XI.

nors, who fet up for petty tyrants, not only injuring particular persons, but insulting the magistracy, and obstructing the public proceedings of justice. Such an one, and most notorious, was Sir Hugh Vaughan, screened and upheld by Cardinal Wolsey, then High Chancellor and Prime Minister of England, to whom by large bribes the had found means to recommend himself. So great a patronage however did not deter Helier de Carteret, Seigneur de Handois, and bailiff of the island, from carrying the complaints of the country with his own up to court, and there, in the very face of the Cardinal, calling fo loud for justice, that at last he obtained it, and the infolent governor was removed. This Helier de Carteret, for love to his country, fortitude, and other laudable accomplishments, shines very bright in our annals. He was brother to the Seigneur de St. Oûen, and so of a house fruitful in patriots. But I forbear entering farther into these matters, as being beside my purpose; although perhaps it was not amiss to shew (at least in one instance) how that 'tis not only from enemies without that we have met with trouble, but sometimes also from those within whose business and duty it was to protect and defend us. Which I doubt not is often the case of other governments remote and at a distance from the sovereign.

To proceed in our narration; the French, after a long alternate course of victories and defeats, of gains and losses in Italy, were grown weary of the war, and had repassed the mountains. And then they were at leisure again to think of us, and to renew their efforts against us. Which they soon did on occasion of a rupture betwixt their Henry II. and our

their noing in to Si. Malo to read, notice ethan threescore dead bodies

Edward VI. The first thing they went upon, was the seizing on the little island of Sark, wherein they found no difficulty, it having been for some time uninhabited. And there they immediatly set themselves to raise forts, and make settlements. This was a new scheme which they had laid for subduing of us, viz. by continual alarms and incursions from that island now in their power, so to vex, harrass, and distress the others (in the middle and center of which it is seated, therefore very commodious for that purpose) that they, being quite tired out and spent with suffering, might at length for very quietness-sake be brought to submission. And it must be owned, that could the French have kept their sooting there, they would have done us mischief enough. But this sine scheme, how considently soever depended on by them, quickly vanished into smoke, as

At one time, a bark of fixty tons laden with the choicest Gascoigne wines, and bales of linen cloth of the manufacture of Normandy, with plate, &c. all together to a great value. Chron. MSS. de Jersey, Ch. xix.

will appear by the fequel. Having thus fecured the faid island, and left four hundred men in it for a guard, they went in the night to Guernsey, to which they had but two hours failing, and fet upon a fleet of English ships lying at anchor in the road before the town. Many of the captains and officers happened to be ashore, asleep in their beds, gave the French some advantage in the beginning of the fight. But the whole town being awakened with the noise of the cannon, and help coming to the ships, the fight was maintained, and the enemies repulsed. Hoping for better success in Jersey, they next bent their course thither, and anchored in Boulay-Bay, in the north of the island, where also they landed. The landing place is a hollow bottom, encompassed with high cliffs and hills, on which our people posting themselves, so galled and annoyed them, who stood drawn up below, that they kept them from advancing farther into the island; and then coming to a closer engagement with them, drove them back to their ships, killing many in the pursuit. The action was warm, consequently not without some loss on our fide. The Sieur de la Roque, one of the justices of the royal court, had an arm cut off, of which he died a few days after. But what's most remarkable, is, that among the slain was found a Popish priest of this island', whose love to the English government, and to the liberties of his country, so prevailed above the discontents which the change of religion in this reign wrought on men of his order, that it fet him on to appear that day in the foremost ranks. An example to be recommended to those of that persuasion in England, who out of an unreasonable aversion to the present establishment 2, would bring in the French, and subject their native land to a foreign power. This to the French proved one of the unhappiest attempts they ever made on these islands. At their going in to St. Malo to refit, no fewer than threescore dead bodies of gentlemen, out of one fingle ship, were brought ashore to be buried. In the whole, their loss was computed at a thousand men. And the King of France himself was so much out of countenance at the disappointment, that he forbade all speaking about it 3.

Q. Mary's reign has been thought inglorious for the loss of Calais, taken by the French after the English had possessed it above two hundred years. It was nevertheless in the time and under the auspices of this Queen, that the same island of Sark spoken of above, was re-taken from the French; though indeed it cannot be said that the regaining of so small an island countervails the loss of a town, which, on the side of England, was

[.] Chron. MSS. de Jersey. Ch. xxv.

[.] Viz. of King William and Queen Mary on the Throne, not long after which this first edition was written.

Hollingshead Chron. ad an. 1549. pag. 1055. Sir John Hayward's Life of Edw. VI. in the Compl. Hist. vol. II. pag. 300.

the key of France. The French colony in that island was grown very thin, their broken measures causing many of them to desert, and return into France, so that few able to bear arms were left for the defence of the place. And yet even those few were enough to have held it against a whole army. For the land is so high, and inaccessible on all sides, and the steps leading up so steep and narrow, that one man armed only with stones might have kept out a thousand. This island notwithstanding was taken by a company of Flemings, subjects of King Phillip (husband of Queen Mary) who coming in the night to one of those paths, and finding it unguarded, went up without refistance, and took the French prisoners. This is the account which our own historian gives of that surprize 1 But Sir Walter Raleigh, who was some time governor of Jersey, and informed himself with great care of all the fingularities of these islands, gives a different relation of it. For he fays it was taken by a stratagem, which for contrivance and success, he prefers to many of the ancients. The island of Sark, says he, 2 joining to Guernsey, and of that government, was in Queen Mary's time (he should have said in King Edward the VIth's time) furprized by the French, and could never have been recovered again by firong hand, having cattle and corn enough upon the place to feed fo many men as will ferve to defend it, and being every way so inaccessible that it might be held against the Great Turk. Yet by the industry of a gentleman of the Netherlands it was in this fort regained. He anchored in the road with one ship, and pretending the death of his merchant, befought the French that they might bury their merchant in hallowed ground, and in the chapel of that ifle; offering a present to the French of such commodities as they had aboard. Whereto (with condition that they should not come ashore with any weapon, no not fo much as with a knife) the French yielded. Then did the Flemings put a coffin into their boat, not filled with a dead carcase, but with swords, targets, and harquebuzes. The French received them at their landing, and searching every one of them so narrowly as they could not hide a penknife, gave them leave to draw their coffin up the rocks with great difficulty. Some part of the French took the Flemish boat, and rowed aboard their ship to fetch the commodities promised, and what else they pleased, but being entered, they were taken and bound. The Flemings on the land, when they had carried their coffin into the chapel, thut the door to them, and taking their weapons out of the coffin, fet upon the French. They run to the cliff, and cry to their companions aboard the Fleming to come to their fuccour. But finding the boat charged with Flemings, yielded themselves and the place. I have seen Memoirs which confirm the

[&]quot; Chron. MSS. de Jerfey. Ch. xxxiv.

Filift. of the World, part I. book IV. ch. xi. §. 18.

taking of this island by such a stratagem; but the other circumstances of time and perfons do not agree with the foregoing story.

Queen Elizabeth had scarce any war with France all the time of her happy reign. In compassion indeed to the reformed of that kingdom (whom popish persecution and cruelty had forced to take up arms in their own defence) the fent them fix thousand auxiliaries, and had the town of Havre de Grace in Normandy put into her hands by the faid reformed, for a place of security to her troops, and for keeping open a communication with England. But they, entering foon after into a treaty with their king, were the most eager and forward to wrest the town again from her, joining even with their enemies the papifts to befiege it, and fend away those who were come to affift them, and had fought for them 2. Which fickle and ungrateful return made the wife Queen more shy and referved towards them, and prevented her breaking openly with France upon their account, yet without abandoning them altogether. Peace and prosperity to herfelf and to her people were the fruit of that counsel, whilst the French (now more at enmity than ever, notwithstanding the late pacification) were sheathing their swords into each other's bowels. This civil war within themselves did, with regard to us, operate in like fort as their expedition into Italy had done; that is, it made them forget us for a season. And were it a christian wish, one would not be forry if such turbulent nations were so always employed at home in their own mutual destruction, as to be thereby disabled from disquieting their more peaceable neighbours. The Queen well knowing the temper of the French, and judging from what was past, that upon dropping their domestic quarrels, they would cast the same evil eye towards these islands as formerly, refolved to enlarge her royal care of them. The retreat they had afforded to great numbers, and among them to many of the best quality in France, who fled from the massacres, had rendered the said islands yet more obnoxious to a bloody and fuperstitious court, against whose resentment there was great need to arm them. Accordingly in Guernsey, such improvements were made to Cornet-Castle, that for strength

Sarcenses insulani, prædæ avidi, adulteriis pharis & ignibus nautas & mercatores noctu ad naufragium impellebant, ut eis jactura commodo cederet; quod cum aliis, Riensibus quibusdam Anglis & Winchelsensibus factum est; unde commoti ipsi, cum non possent palam ulcisci injuriam, hanc dolo rem aggressi funt. Finxerunt mortuum dominum navis, rogant insulanos ut liceat eis in suo sacello sepelire; concesserunt, ea tamen lege ut comitarentur corpus inermes, Rienses igitur pheretrum implerunt armis & ensibus, pro mortuo esserunt, insulam & facellum sunt ingressi, pheretrum aperiunt, incautos Sarcenses invadunt, obtruncant, insulam vastant. Ex MSS. Philippi de Carteret Eq. aur. dom. de St. Ouen. defunct.

² Camden Elizab. ad an. Regni V. & VI.

Popeliniere hift. de France, Vol. II. liv. xxxiv. fol. 143, verfo.

and beauty it yielded to none throughout the Queen's dominions. In Jersey, we had a new one built, which, as sounded by this Queen, bears her glorious name, and will be mentioned again hereaster more than once. Her grant of the Island of Sark to Philip de Carteret, Seigneur de St. Oûen, in order to people and plant it, shews no less her concern for our tranquillity. For though she might therein intend to savour a gentleman whose samily had highly merited of the crown, we should wrong her excellent wisdom and judgement, if we did not suppose the had a farther view in it, viz. to keep the French from nestling there again, as they had done in her brother's time, and thence giving us fresh trouble and disturbance.

King James I. was a most pacifick Prince, who having little left him to do for us in the way of military defence, turned his thoughts to the better settling of Religion in these islands, and bringing them to a conformity to the church of England, which he happily effected in Jersey; a work doubtless more acceptable to God, and which will perpetuate his name among us no less, than if he had invironed this island with a wall of brass. A work of all others the most congruous to his peaceful reign. Thus, when, God would have a temple among the Jews, he chose the peaceful reign of Solomon for the building of it, and not that of David, though otherwise a most excellent Prince, because he had shed much blood upon the earth, and had made great wars 3. These two reigns of Queen Elizabeth and King James I. were on all accounts the best days we ever saw, and truly the golden age of these islands.

King Charles I. notwithstanding his early match with a daughter of France, sister of Lewis XIII. sound himself unhappily drawn into a war with that crown. Lewis had renewed the persecution against his protestant subjects, and laid siege to Rochel, their strongest hold. The Duke of Buckingham being sent with a good sleet and army to their relief, and landing in the Isle of Rhé, it so provoked the French, that they threatened to revenge the affront by a like descent the year following on the Islands of Jersey, and Guernsey. Which being known in England, proper measures were taken to disappoint them. The Earl of Danby, Governor of Guernsey, was ordered forthwith to the islands, with supplies, and instructions to make all the dispositions necessary for a good desence 4. The garrisons were reinforced, the militia reviewed and exercised, arms dis-

Heylin's furvey of Guernsey and Jersey, ch. i. p. 298.

² Elizabeth-Caftle.

^{3 1} Chron. xxii. 8.

^{*} Dr. Heylin's survey of the islands is owing to this voyage, in which he attended the Earl as his chaplain.

H 2 tributed

fributed to such as wanted, the magazines stored and replenished; and, for a conclusion, the Earl calling together the states of each island, exhorted them in a set and pathetick speech to remember their ancient sidelity to the crown of England; which they cheerfully promised, and would no doubt have as bravely performed, had the French gone about to execute what they had threatened. But whether deterred by the preparations made to receive them, or diverted by other incidents, we heard no more of them.

About this time, at the King's direction and great expence, was built the lower ward of Elizabeth Caftle in Jersey, taking in the whole circuit of ground that had heretofore been the fite of the abbey of St. Helier; and is called the lower, to diftinguish it from the upper ward, which stands higher on a rocky eminence, and was the work of Queen Elizabeth. When 'tis confidered how unreasonably stiff and backward to supply him in his greatest necessities, this good King found his Parliaments, from the very entrance of his reign, it ought so much the more to endear his memory to us of this island, in that out of his wants he would spare for the raising of such a fortification. As we partook in his beneficence, so did we in his afflictions and sufferings, which now came on apace upon him, and were such as no christian King ever met with the like from his own people. This island had given birth to a gentleman, who, in that great apostacy, preserved his integrity and loyalty, and was a means to establish and confirm us in ours. This was Captain Carteret (afterwards Sir George) comptroller of his Majesty's navy, a man, says Lord Clarendon', of great eminency and reputation in naval command. He flood fo well in the opinion even of the parliament, for true honour, courage, and abilities, that when they committed the fleet to the Earl of Warwick in opposition to the King, the two houses had cast their eyes upon him for vice-admiral. But he knew better what became him, than to accept of an employment from them, unless the King had judged it expedient for his fervice. Unhappily his Majesty did not judge it such, nor would confent that one of his fervants should so far countenance their undutiful proceedings as to be any ways concerned with them, which the noble historian laments as a most fatal error. For (to use his own words) if Captain Carteret had been suffered to have taken that charge, his interest and reputation in the navy was so great, and his diligence and dexterity in command fo eminent, that it was generally believed, he would, against whatfoever the Earl of Warwick could have done, have preserved a major part of the fleet in their duty to the King. Upon this, Sir George withdrew himself with his family to Jersey, and being well affured of the hearty concurrence of the inhabitants, declared for his Majesty.

[&]quot; History of the Rebellion, Vol. I. Part 2. pag. 679. Edit. in 8°.

[&]quot; Id. Ibid.

And now the fword was drawn on both fides, and the nation run into blood. No concessions that a gracious Prince could make, though in diminution of his just authority, would fatisfy. The rebels grew more infolent upon every fuccess, and more averse to peace. God's counsels are inscrutable. Through his permission, those wicked men. went on triumphing in their villany. They beat the King out of the field, and, having run him down like a hunted deer, laid their impious hands on his facred person. Yet, amidft all their prosperities, this little island was still a thorn and a goad in their fides. For to make a diversion ', Sir George had caused to be equipped about half a score small frigates and privateers, to cruife upon thips trafficking under paffports from the Parliament's officers. Those foon struck a terror all over the channel; trade was interrupted; merchants complained of their losses; few would venture to sea without convoys; and then it came to be understood what mischief may be done to England by these islands being in the hand of enemies. We could not avoid falling under that odious denomination, among them who happened to be fufferers by us, although in reality we were not enemies to England, and God forbid we ever should. We were so only to rebels, to those who themselves were enemies to their King, wherein we behaved no otherwise than will always become good subjects, placed in the like situation as it then was our misfortune to be. And here we have an example which methinks should never be forgotten, but remain a standing admonition to England of the danger to it from these islands, supposing them possessed at any time hereafter by the French. For if a governor of Jersey with a few small privateers, could make himself so formidable, what would not a vaftly greater naval power of France stationed in these islands, as most certainly fuch a one there would be, what (I fay) would not fuch a power be able to do?

The King had sent the Prince his son into the West, to have him out of the reach of the evils which might befal himself, rightly deeming it too great a venture to hazard both their persons together. And the event justified his Majesty's wisdom therein. For by that means the Prince was reserved to better times, though first led by providence through many great trials. The forces designed to act under him in the West not answering the service expected from them, and the enemy pressing so hard upon him that they had almost pent him up in a nook of the Land's End, he was forced to betake himself to the Isle of Silly for present safety. After some stay in that poor place, loyal indeed, but destitute of necessaries, he removed to Jersey, where he was most joyfully received, and better accommodated. He found here at least what to be

Besides making a diversion, there was a necessity to provide for a numerous garrison, which could only be done by creating a fund for that purpose out of the captures and prizes brought in-

Iure his generous spirit would chiefly regard, viz. hearts full of duty and affection to him. The King had appointed a council to attend him, among whom the most credited and confided in, feems to have been the Chancellor of the Exchequer, Sir Edward Hyde, afterwards the great Earl of Clarendon. No fooner were those noble persons, with their royal charge, arrived in the island, but their first care was to view the same all over, and take a good account of it, and having so done, declared their opinion, with which the Prince concurred, that it was a place of the greatest security, benefit and conveniency to repose in, that could have been defired and wished for; till upon clear information and observation of the King's condition, and of the state of England, he (the Prince) should find a proper opportunity to act '. The Queen his mother was then in France, who by frequent messages and letters solicited his repair thither, seeming not to think him sufficiently safe in this island. But the council had no inclination to trust the heir of England with those who had shewed so little kindness to the father, and had originally fomented the rebellion. Therefore the Lords Capel and Colepepper were fent with the Prince's excuse to his mother; and, to allay her fears, were instructed to tell her in his name, that he had great reason to believe this island to be defensible against a greater force than he supposed probable to be brought against it: that the inhabitants expressed as much cheerfulness, unanimity, and resolution for the desence of his person, by their whole carriage, and particularly by a protestation voluntarily undertaken by them, as could be defired; and that if, contrary to expectation, the rebels should take the island, he could from the castle (a place in itself of very great strength) with the least hazard remove himself to France, which in case of eminent danger he resolved to do 2. The good Queen had suffered herself to be deluded by the arts of Cardinal Mazarin, who about this time began to intrigue with Cromwell. They wanted the Prince in France to make their market of him, and drive the better bargain with England, according as conjunctures should fall out, and times might vary. No promifes were spared on their part to decoy him over to them, not one of which they meant to keep, as the Prince quickly found, when vanquished by his mother's importunities, and at last by her most preremptory command, he went and put himself into their hands. How little he was confidered or affifted, nay, how much flighted and difregarded, is too unpleasant to dwell on; but it has often been my admiration, that after he was restored to his kingdoms, he would ever put any confidence in so falle and fo faithless a court. The time of his abode with us was about two months; but we had the honour of his presence again when he was King. Those of the council

^{*} History of the Rebellion, Vol. III. Part I. pag. 4. Edit. 8°.

History of the Rebellion, Vol. III. Part I. pag. 7. Edit. 8.





ELIZABETH CASTLE JERSEY.

Rolling 18 Vatiga, by Allower

who could not approve of his going to France, staid here longer; but Lord Clarendon (whom I fo call by anticipation) longest of all, even no less than five and twenty months: and that respite from attendance he employed in making a farther progress in the incomparable history he has left us, begun some years before, but often interrupted through the great agitations of his life. Having acquainted the King with what he was upon, he received his Majesty's thanks, and soon after memorials of diverse important passages under his Majesty's own hand, or reviewed and corrected by him; and those enabled the author to relate with greater affurance things transacted whilft he was at a distance from them, viz. whilst he was with the Prince in the West; nor could he defire better information of the truth of those affairs than from his Majesty himself. Tis a pleasure to me to mention these particulars, because methinks there is an honour reflected on this island from that immortal work having been, at least in part, compiled amongst us, and written (as I may say) with Jersey ink. His residence was in Elizabeth Castle, with his friend Sir George de Carteret; and there I have seen still standing (and looked on with a fort of veneration) the humble house 2 where that great and good man fpent the foresaid five and twenty months on that work; the house, in memory of him, retaining a long while after the name of la Maison du Chancelier. In May 1648 he was recalled to wait again on the Prince, now preparing to go for Holland, abundantly convinced of the emptiness of French protestations and promises.

ELIZABETH CASTLE, JERSEY.

This Castle stands on a small island about three quarters of a mile south west of the town of St. Helier's, from whence at low water there is a dry passage over the sands called the Bridge; by the natives it is vulgarly called le Chateau de l'Islet, or simply l'Islet, or Little Island. The spot whereon it stands was once the scite of a monastery of canons regular of the order of St. Augustine, built in honour of St. Helier, a martyr, murdered by some Pagan Normans, or, as others say, Vandals. A small ruin, called the Hermitage, said to have been his retreat, is still remaining on a rock south of the castle. The remains of the church of this monastery, Falle says, was yet in being within his remembrance; indeed its choir was a long time kept up for a chapel to the castle, but was destroyed to make room for lodgments and to enlarge the parade.

History of the Rebellion, Vol. III. Part I. page 70. Edit. 8°.

² It flood in the Lower Ward of the Castle, adjoining to the chapel, all which ancient buildings are now demolished.

The same author further adds, that there was a tradition that all the land between the castle and the town, now overslowed by the sea, was one rich meadow.

This castle was first projected in 1551, the fifth of Edward VI. in pursuance whereof all the bells in the island, except one in each church, were ordered to be taken down and sold to defray part of the expence; and it is reported, that the ship loaded with these bells, which it was transporting to St. Maloes for sale, suddenly sunk going out of the harbour; this was by many deemed a punishment for what they call facrilege. Whether on this account or some other is not now known, the building did not take place till the next reign, when, anno 1586, under the regency of the Paulets, the upper ward was built, and named Elizabeth castle, in honour of that Queen; every house in the island contributing four days work towards its construction. The lower ward was built in the reign of King Charles the First, about the year 1636. Charles Fort was added during the troubles; and last of all the Green was walled in, anno 1665, on the apprehension of a French war. This fortress is of a very irregular form, adapted to the ground on which it stands. It is divided into three wards, the outer, the lower, and upper.

The entrance is on the north fide through a gate in the angle formed by a kind of curtain and the outer wall of Charles's-Fort. This curtain is likewife flanked by another irregular bastion on the east. Entering this gate on the right, is the guard room, and passing through the second gate you come into a large area, having on its west side a battery for fifteen guns, and on the east the old ruined barracks. This is the outer ward, which, besides the battery and works here mentioned, has also two other bastions near its center, and opposite each other. This ward was built after the restoration, when Sir Thomas Morgan was governor. The walls being laid with loam instead of mortar are very much decayed. Leaving the outer ward another gate leads into the lower ward, also desended by several bastions and half bastions, having somewhat the appearance of a crown work, when viewed from the east. Here are the barracks, built in the year 1735 and 1755, the ordnance-yard, store-rooms, powder magazines, master gunner's house, cantin, mainguard, and other buildings.

The upper ward, or Elizabeth's castle, stands on a rook. In it was the governor's house and other offices, lately in ruins, also the saluting platform, with its magazine.

Anno 1651, this castle was besieged by the parliament's forces, and long valiantly defended by Sir George de Carteret, till a powder magazine in the vault of part of the old

old church being set on fire by a bomb, did great damage and destroyed a number of people, and so disheartened the rest, that they began to think of a surrender; and King Charles, unable to procure them any assistance from France, advising and directing the governor and garrison to make the best conditions possible for themselves; these considerations, with a want of provisions, induced de Carteret to surrender, when he and his garrison marched out with the honours of war. This was the last fortress which held out for the king.

Few days after the prince had landed in Jersey, the king went to the Scots army before Newark, and from his coming among them we are to date the long and cruel captivity he underwent, never from that time to his death having had the freedom of his person. I shall not follow him from one durance and confinement to another, and only observe that when his majesty made his escape from Hampton Court, and sought a place where he might fecurely repose his weary head, he seems to have had Jersey in his view; for that at his coming to the fea fide, i. e. Southampton River, where embarkations for these islands are usually made, he asked where the ship was that should transport him '? How, instead of that, he was carried to the Isle of Wight, and there immured, and made a closer prisoner than ever; how, I say, he was carried thither, whether by involuntary error, or defigned and concerted treachery, has been hitherto a mystery, and will probably remain fo, until the day appointed for the manifestation of secrets; and then shall every dark counsel and contrivance formed to destroy him, though hatched and laid as deep as hell, be brought to open light, and meet with its deserved reward. Neither were they contented with their barbarous usage of him in Carisbrook Castle, where his life was threatened with poison and pistol 2; but as if his restraint there had not been severe enough, they transferred him to Hurst Castle, a most unhealthy place, without fresh water, annoyed with the stinking vapours and smoke that arise out of the neighbouring marshes and salt pans; and withal so straitned for lodgment, that this great king had hardly there the conveniences which many an ordinary criminal finds in a com-The world standing in a maze what they intended next to do with him, their meaning was foon known to be, from that loathfome prison to lead him to a scaffold, which indeed to him might be thought a deliverance. But when the report of so monstrous and unheard-of a wickedness came to us in Jersey, it struck us all with horror; and there appeared a zeal and forwardness in many of our bravest and most resolute

History of the Rebellion, Vol. HI. Part I. page 84. Edit. 8º.

² Ibid. page 231, &c. where see the Account of Kolph's Plot to murder the King.

islanders, to endeavour, at the peril of their lives, to rescue the captive king, by surprizing the castle. The thing, though difficult and hazardous, was not thought absolutely impossible; because, as all ships from these parts and from the west going into the port of Southampton, must and do of course pass close by this castle, so it was presumed that four or five veffels of this island, with a sufficient number of chosen hands concealed under the hatches, might come so near without creating a jealousy, as to give opportunity to the men to fally forth suddenly, and scale the walls. For some years after the Restoration, when the past evil times were fresh in men's memories, and more the subject of discourse than they are now, I well remember to have heard such a defign talked of among our people, and gloried in as an inftance of our loyalty, at least in purpose and intention, but was yet too young to enter into an affair of that nature. So that how far the defign was purfued, or what hindered the execution of it, I cannot take upon me to fay. 'Tis possible the king's being hurried to his trial, before things could be got in a readiness, might cause the same to miscarry. But this I may with confidence affirm, that there was nothing within our power which we would not most gladly have done to fave his precious life. And 'tis no small comfort and satisfaction to us even at this day, that at whosesoever door the guilt of that righteous and innocent blood may lie, we of this island have no otherwise contributed to the shedding of it than by our fins in general, which added to the fins of the nation (a dreadful load!) pulled down that heavy judgment on us all.

When the horrible blow was given which laid the head of the royal martyr, and with it the crown and monarchy, in the dust, the prince was at the Hague, in a most forlorn and desolate condition. He saw his inheritance seized by traitors and parricides, and all men forbidden to own, aid, or abet him, on pain of death. But in this island we despised their threats, and his (now) majesty

King Charles II. was readily and folemnly proclaimed, with all his titles. Naked and empty titles, without means of subfishence! How little regard other crowned heads had to his necessities and distress, 'tis a shame to say. His present only support was from the generosity of the Prince of Orange, who had married his sister, the father and mother of our great King William. There was not a court in Europe where he could promise himself to be received and treated with dignity; and if suffered some time in Holland, it was owing to the credit and interest of the foresaid prince his brother-in-law. But when they heard there of a threatening embassy coming from the new-fangled Commonwealth in England, they were impatient to have him gone; fearing to provoke that insolent crew of men, who by not sparing their own king, and having ready at command

mand an army of hot-brained enthusiasts, slushed with blood, were become terrible to all the neighbouring powers. Once his majefty thought of trying his fortune in Ireland, but all hopes failing of doing any good there, he laid that defign aside. To Scotland he was invited, but upon terms fo derogatory to his honour, and offering fuch violence to his conscience, that he could not yet bring himself to submit to them, though afterwards he did, through the inducement and over-persuafion of others. In this perplexity, not knowing whither to bend his course, he remembered his loyal little island of Jersey, which two years before had afforded him so seasonable a retreat, when he could fet his foot no where on English ground with safety. He now therefore resolved to visit it again, and there rest himself, waiting with patience on the good providence of God for a change in his affairs. It was in autumn that his majesty came to us, and he staid with us till the spring following. As he found us the same dutiful people, so we him the same easy, humane, affable prince; which perhaps needed not be mentioned, it being the known character that distinguished him all his life. None were denied access to him, neither did he disdain invitations and entertainments from our little gentry, whom of himself he would sometimes honour with a visit at their habitations, as he rode about the island. With all parts of which he grew fo well acquainted, that (having fome skill in the mathematics) he drew a map of it with his own hand, intending no doubt to keep the same in remembrance of a place where he had enjoyed more peace and quiet, than hitherto any where else within or without his dominions. The map at prefent is, I know not how, got into the Heer Van Adlershelm's Cabinet of Curiofities at Leipsic in Saxony, where it is shewn to travellers 1. At his first being here, he had given order for the construction of a fort, to be in the nature of an outwork to Elizabeth Castle, which finding now perfected, he would have it called by his own name, Charles Fort. It has been fince incorporated with the castle, by inclosing with walls and ramparts a long flip of ground which parted them.

The Scots informed of the king's abode in this island, followed him hither with melfages, praying him to come nearer to them, for the better convenience of treating, this place keeping him and them at too great a distance from each other. Whereupon his majesty left us, but so satisfied with the hearty and chearful reception he had found among us, that as long as he lived he was pleased to retain a generous sense of it. To enquire now by what counsels he was drawn into Scotland, and how used when he came there, would be going too far out of the way. 'Tis enough to say, that acknowledged

at last as he was for their king, and with an army of that nation marched into England, in hopes to be joined by his more trusty friends, the royalists in this his other kingdom. Which expectation failing in great measure through various accidents, and a battle ensuing, that army of Scots was put to the rout, and his majesty forced to abscond for the saving of his life, a price being set upon his head. After two long months wandering from place to place, in continual danger of being discovered, by the necessity of trusting his person in many unknown hands, it pleased God to open a door for him to escape and get safe beyond sea. And so wonderful was the deliverance, in all the circumstances of it, that we may search in vain every history from the beginning of the world for an example of such another.

During those transactions, the usurping powers in England were making great preparations for the reducing of this island; enraged at our owning and harbouring the king in defiance of them, and alarmed at the taking of so many of their traders by our privateers, who continued cruizing in the Channel, and were grown so bold as to make captures in the very harbours. And for this, we who had the king's commission to warrant what we did, must forsooth be called pirates, by those, than whom there never were more lawless and impudent free-booters; having no authority but from themselves, that is, none at all; who had robbed one king of his life and crown, another of his birthright and inheritance, and the whole nation of its peace and happiness. They called us pirates, by the same figure that they hanged for traitors the king's most faithful subjects; whilst they themselves, by daily accumulating one treason upon another, had a hundred times forseited their lives to the laws. Such bold abuse of language, which con-

on the Western coast by the Jersey pirates.—Feb. 26. Letters that several merchantmen have been taken on the Western coast by the Jersey pirates.—Feb. 26. Letters that two Dutchmen laded with salt, came to an anchor within half a league of Dartmouth Castle. That presently after two Jersey pirates came up with them, cut their cables, and carried them away. That the castle shot at them, but could not reach them.—March 1. Letters of Jersey pirates very bold upon the Western coast.—March 6. Letters of several ships taken by the pirates of Jersey.—March 15. Of the want of frigates upon the Western seas to keep in the pirates of Jersey.—March 17. Of the Jersey pirates taking several merchant ships, and none of the parliament frigates to help them.—March 19. Letters of piracies committed by those of Jersey.—Nov. 30, 1651. Letters that the Jersey pirates took two Dartmouth ships, and three other ships.—April 17. Letters of the Jersey pirates taking two barks laden in sight of Portland.—April 21. Of more prizes taken by the Jersey pirates, and of Captain Bennet's sighting with two of them four hours.—July 14. That sive English vessels were taken by boats of Jersey, earrying four or sive guns apiece.—July 18. Letters of two prizes taken by a Jersey frigate of eight guns, twenty four oars, and eighty men; and that there were twelve of those frigates belonging to Jersey.—August 7. Letters of much damage done by the Jersey pirates.—Sept. 27. Letters of the Jersey pirates doing much mischief upon the Western coast, &c.

founds all notions of right and wrong, shews any fet or party of men among whom it prevails, desperately wicked, and fold to iniquity.

In October 1651, the armament fitted out against us put to sea, under command of Admiral Blake, whilft Major-General Haines had in particular charge the forces appointed for the descent. The twentieth of that month , four score sails (which were but part of the fleet) appeared in fight of the island, and the same day came to an anchor in St. Oûen's Bay. That bay lies open to a westerly wind, which here blows at least one half of the year, and when raifed to a storm, rolls in such a sea as no ships can stand against, without danger of perishing every moment. But the same unaccountable success which used to attend the rebels at other times, attended them also now. All the while they lay in this bay they had fuch smooth water, that in the memory of man the like had not been known in fo advanced a feafon. This fomewhat startled our people, but nothing in comparison of a dismal report which on a sudden flew about the island, of the King being prisoner, and at the mercy of his enemies. We had heard of the battle, yet still hoped well of his Majesty's person. But now forrow and despair might be seen in every face. The most dispirited began to cry out, that it was in vain to contend any longer with powers, who like a torrent bore down all before them. And what good would the facrificing of ourfelves do the King now, when perhaps he was no more, and had already undergone his bleffed father's cruel fate? For what elfe was to be expected from those bloody miscreants into whose hands he was fallen? Here it was that Sir George de Carteret had need of all his authority, and of the great respect which every body paid him, to keep many from laying down their arms. Nor peradventure would that have done, had he not by prudently concealing his own fears, and putting on an air of unconcernedness, discredited that report among the troops; who watched his looks, and feeing no alteration there, concluded that he, who must know more than they, believed nothing at all of the flory. By that means he raised their spirits again, and brought them on to face the enemies.

These lay quiet all that day, and the night following. But the next day, October 21, early in the morning, their cannon began to play, which was answered by that on several little forts and redoubts in the bay, and by four and twenty field pieces always following the militia upon a march. Some of the lesser frigates advanced so near the shore as to bring both parties within a distance to ply their small arms; our men boldly wading

Relation de la prife de l'Isle & des Châteaux de Jersey, par les rebelles d'Angleterre. MSS.

into the water to meet the enemies, returning their fire, and calling them aloud rebels, traitors, and murtherers of their King. This lasted four hours, after which the whole sleet drew off, and went to St. Brelade's Bay (about a league from that of St. Oûen) where being anchored, they sent back a squadron to St. Oûen, and others towards St. Aubin's Bay, St. Clement, and Grouville'; meaning to tire and distract our troops, by making a shew as though they intended to land in all those different places at once; and accordingly several companies were detached to wait on their motions; the main body of the seet lying still in St. Brelade's Bay, and the best part of the camp there likewise to observe it.

October 22, a little after midnight, the enemies at St. Brelade were perceived to ship off in several slat-bottomed boats, which they had brought for that service, ten or twelve battalions, to the number (as was conjectured) of about four thousand foot, in order to make a descent, which they attempted by break of day, under the covert of their ships, which approached as near to the land as the nature of the place would give leave, sparing neither powder nor shot on that occasion. But seeing themselves beaten from two small forts that had been raised in the bay, and the islanders drawn up on the sands in a posture to receive them, they thought sit to retire to their ships, which forthwith weighed anchor, and returned to St. Oûen, leaving only nineteen men of war in St. Brelade's Bay.

This obliged the governor to follow them again to St. Oûen, after he had posted some companies of the militia, his own company of fuzeliers, and all the dragoons, to oppose those that remained at St. Brelade. The enemies being come to St. Oûen, directed their course northwards, to L'Etac, the farthest point of that bay, as if they meant to land there, whither they were accordingly followed by the islanders. But it soon appeared their design was only to harrass our troops; for they suddenly tacked about, and steered to the opposite point; which motion was likewise attended by our forces on shore: the enemies playing all the while furiously with their cannon, which was answered in the same manner as the day before.

The night coming on, it was thought necessary to fend the troops, which had now been three days and two nights under arms, exceedingly fatigued with so many marches and counter-marches, and much incommoded by a small rain that had not ceased to fall

[&]quot; Here 'tis convenient to look into the map.

ever fince they were in action, to refresh in the neighbouring villages; the indefatigable Governor, with a small body of horse, not departing all the while from the shore. It must not be forgot, that the enemies were that day reinforced by a squadron of fresh ships, which joined the fleet a little before night.

That fatal night, which proved extraordinary dark, and under the favour of it, the enemies landed a battalion; which, as foon as discovered, was with great bravery and resolution charged by the Governor and the horse he had with him. The charge was bloody and desperate', many of the enemies being killed and wounded'. But others poured on so fast, that the infantry, dispersed along the coast for refreshment, as was faid before, had not time to come in, and fustain the horse; which certainly did wonders, by the confession of the enemies themselves, who have often said that they could not have flood fuch another charge. And now all farther opposition ceasing, there followed a general landing of the rebel army; and the very next day, October 23, fo furious a tempest arose from the west, that if they had not by such lucky and timely reduction of the island, gained a retreat for their fleet into the ports, the greatest part of it must in all appearance have perished; as it happened to one of their stoutest ships, which was dashed to pieces against the rocks, and not a man saved of three hundred that were in it. Though they were yet masters only of the open country, and not of the castles, the news of that success was received with great joy by the men fitting in St. Stephen's Chapel, and a public thankfgiving ordered thereupon .

The fort of St. Aubin, which commands the harbour of that name, might have proved a hinderance to the fleet's taking shelter there. The first thing therefore the enemies very wisely did, after they were landed, was to attack the said fort. And though Sir George, who knew how important the preservation of it was at that critical hour, had given a most strict charge to the officer and soldiers in it to hold out to the last extremity, he was ill obeyed, and with grief saw the place yielded up almost as soon as summoned. The MSS. relation from which I extract these particulars, im-

Whitlock's Memorials. an. 1651. Oct. 30. Letters that Colonel Haines with his forces anchored at Jerfey. They were desperately charged by a body of horse.

² Among the flain on our fide, was Colonel Bovil, a gallant officer, much regretted by Sir George.

³ Whitlock, ut supra, Nov. 3. The Parliament ordered that the Ministers of London and Westminster do on the sisth of Nevember next, in their several congregations, give thanks to God for the gaining of Jersey island.

^{*} La prise de cette place leur sauva toute leur flotte, que la tourmente qui s'esleva le lendemain eut indubitablement sait perir, si elle ne se suste a couvert comme elle sit dans le port de Saint Aubin.

putes the utter loss of the island to that too precipitate and hasty surrender; reasonably supposing, that the enemies' ships, quitting St. Ouen's Bay to come into St. Aubin's, for security against the storm, could never have kept upon their anchors betwixt the two sires of Elizabeth Castle and of that fort.

Nor did Mont-Orgueil make a much better resistance, which may seem strange after the account given above of this castle. But, alas! it was no longer the same, as in those ancient times when a constable of France with ten thousand men besieged it in vain.

GOWRAY, OR MONT ORGUEIL CASTLE'.

This fortress was called Gowray castle from the adjacent village of that name; the present appellation of Mont Orgueil is derived from the proud or losty promontory on which it is situated, a title, according to the vulgar tradition, given it by Henry V. but this opinion Mr. Falle corrects in his second edition of his history of this island, and there attributes it to the Duke of Clarence.

Neither the age nor founder of this building are afcertained; common report gives its construction to Robert Corthouse, son of William the Conqueror, who is said to have built most of the castles in this island, and also that of Guernsey. It however was in being, and occurs in history, as early as the reign of King John. Falle says it was already then, and had been long before, a considerable fortress; and as that King repaired and strengthened the fortifications here and at Guernsey, Gowray castle, the principal strength and boast of the island, though not mentioned particularly, was undoubtedly not neglected. In the reign of Edward III, this castle was more than once attacked by the French, who were always repulsed, In one of these attacks the governor, Drogo de Barentin Seigneur de Rosel, was slain; he was succeeded in his command by Renaud de Carteret, a valiant and experienced soldier.

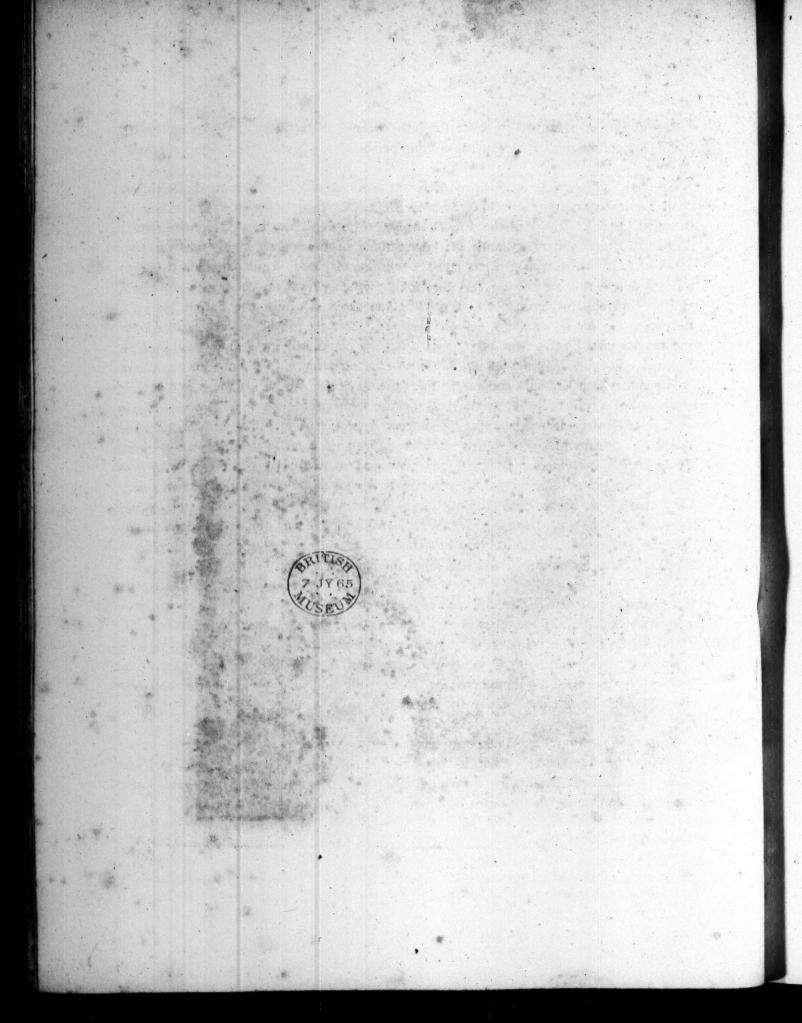
A manuscript in the library of Thomas Astle, Esq; has the following account of the garrison of this castle, together with their pay, in the 15th year of that King's reign:

Henry de la More, lieutenant of the castle of Gurry, per diem twelve pence sterling.

Six men at arms at twelve pence sterling per day.



Mont Orqueil Carte, Jersey.



Six other men at arms at fixpence sterling per day. One hundred archers at threepence sterling per day.

The latter end of this reign this fortress was again attacked by Bertran du Guesclin. constable of France, at the head of an army of 10,000 men, wherein was the Duke of Bourbon, and the flower of the French army. The fiege was carried on with great skill and vigour, and as gallantly defended; some of the outer works were thrown down by fap; when at length, to fave the effusion of blood, it was agreed, that if it was not relieved before the next Michaelmas, the besiegers should be put in possession. On this the constable retired, and the castle was relieved within the stated time by a fleet from England. In the reign of Henry IV. after the naval victory gained over the English fleet by the Admiral of Bretagne, the island was invaded by the French. but they not being provided with things necessary for a fiege, it feems doubtful whether they attacked this castle. In the time of Henry V. this edifice was repaired, and, as has before been observed, received the name of Mont Orgueil, which it has ever fince borne. It was at this time conceived to be of such importance, that according to D'Argentre, no Frenchman was suffered to come within the gate without being first blindfolded. Towards the latter end of the reign of Henry VI. it was under the pretence of a surprize delivered up to Surduval, for the Count de Maulevrier, Chaimberlain of France, in consequence of an agreement between him and Queen Margaret, as a reward for the affiftance he had afforded her husband Henry VI. in England. Maulevrier proclaimed himself Lord of the Islands of Jersey, Guernsey, Alderney, &c. as holding it feudally from the King of France.

On the accession of Edward IV a plan was laid for expelling the French who occupied the castle and some other parts of the island; a sleet appeared before it, and Philip de Carteret, Lord of St. Ouen, besieged it by land, and at length obliged it to surrender. In the reign of Queen Elizabeth, when Elizabeth castle was built, some repairs seem to have been done here; her arms, with those of the Paulets, and the date 1593, being placed over a gate in the inner ward.

Anno 1637, August 5, W. Prynne was sent prisoner to this castle, where he remained till November 19, 1640; he has described and celebrated it in a copy of verses intituled, "A Poetical Description of Mount-Orgueil Castle, in the isle of Jersey, interlaced with some brief meditations from its rocky, steep, and losty situation."

In the civil wars, anno 1651, this castle, which had long been held for the King,

was besieged and taken after a short resistance by Haines the republican general; the trisling defence it made is owing, as is reported, to its then being much out of repair, it having been neglected in favour of Elizabeth castle.

As Prynne's poetical view of this castle affords a very good general idea of its appearance, and the book is scarce, the descriptive part is here transcribed:

Mont-Orgueil castle is a lofty pile Within the eastern parts of Jersey isle, Seated upon a rocke, full large and high, Close by the sea-shore, next to Normandie, Neare to a fandy bay, where boats doe ride Within a peere, fafe both from wind and tide Three parts thereof the flowing feas furround, The fourth (north-westwards) is firme rockie ground. A proud high mount it hath, a rampier long, Foure gates, foure posternes, bulwarkes, sconces, strong; All built with stone, on which there mounted lie Fifteen cast pieces of artillery, With fundry murdering chambers, planted fo, As best may fence itself, and hurt a foe; A guard of foldiers (strong enough til warre Begins to thunder) in it lodged are, Who watch and ward it duly night and day, For which the King allows them monthly pay; The Governour, if present, here doth lye, If absent, his lieutenant-deputy; A man of warre the kays doth keepe, and locke The gates each night of this high towering rocke. The castle's ample, airy, healthy, and The prospect pleasant both by sea and land, Two boystrous foes, some times affault with losse The fortresse which their progresse seems to crosse, The raging waves below, which ever dash Themselves in pieces, whiles with it they clash, &c. &c.

Ever fince Elizabeth Castle had been made the residence of the Governor, the chief care was laid out upon that, and very little done to support this. It had eighteen guns mounted, with five iron murderers, when Major-General Haines sat down before it, as I find in the relation he sent to his masters. Besides, no news coming yet of the King, men's hearts were thereby so brought down, and their hands weakened, that 'tis rather a wonder any resistance at all was made, when people could not now tell for whom they fought and exposed their lives.

The enemies, to complete their victory, had the hardest task still remaining behind, viz. the gaining of Elizabeth Castle. This they must not look to have as cheap as they had the others. Sir George had shut himself up in it, resolved upon a defence worthy of his courage, and of the goodness of the cause in which he was engaged. With him there went in fundry prime persons of the island, magistrates, clergymen, and others, defirous to give proofs of their loyalty to the last. The garrison confisted of three hundred and forty men mustered for service, with provisions for eight months in proportion to the faid complement. As for the castle itself, the description of it belongs to another place', and thither I refer that. After a previous and peremptory fummons from the commander of the rebels, and such an answer from the governor as became him to give, the cannon was pointed against the castle. It could be brought no nearer than St. Helier's Hill, at the distance of fix hundred fixty three geometrical paces, i. e. of about three quarters of a mile, all betwixt the hill and the castle being fea or fand, without firm ground whereon to raise batteries. One may judge that firing from such a distance could not much damage the walls. All the harm done in many days from the continual fire of twelve thirty-fix pounders, amounted to no more than beating down fome parapets, which were foon made up with turf. It was now far in November, and then the joyful news came of the King's fafe arrival in France. Whereupon Sir George dispatched Mr. Poindextre to congratulate His Majesty on his miraculous deliverance, and inform him of the enemies progress, with the state of the garrison.

A poor fellow, brought in by a party that had been fent out for intelligence, and asked what the enemies were doing, said, they were with great labour drawing up St. Helier's Hill two monstrous guns, the like whereof had never been seen in the country. It was easily understood what those monstrous guns were, viz. two very large

The Chapter of Military Government.

mortars, which being fixed, threw shells into the castle of near thirty inches diameter. One particularly happening to fall upon the church, did most dreadful execution. This was the old church of the Abbey of St. Helier, subsisting still in part, and having under it a magazine, in which, among great quantities of other stores and provisions, were laid twelve barrels of powder for the fervice of the artillery in the lower ward. The bomb broke through two strong vaults, and setting the powder on fire, scattered ruin and desolation all around, destroyed the provisions, and (which was most lamentable) killed outright forty of the best foldiers of the garrison, besides armorers, carpenters, and other workmen useful in a siege. So terrible a blow, and unexpected, caused a great consternation in the place, and gave occasion to some, more faint-hearted than the rest, to talk of surrendering. Such discourse could not be pleasing to Sir George, who by his prudence quieted all for the present; yet found it necessary to acquaint the King with this new incident, and withal crave affiftance, if so be His Majesty could prevail with the Court of France to grant it; and with this message he fent his chaplain, the reverend Mr. Durel', Mr. Poindextre not being yet returned. The King's answer was to this effect: "That all his solicitations at that Court had been in vain, and would still be so though repeated never so often, such a conjunction there was of counsels and interests betwixt Cromwell 2 and the Prime Minister Cardinal Mazarin; adding, that he would not deceive him with a promife of fuccour, which he was in no condition himself to give, nor could obtain from others; that he relied on his known experience and ability to do what to him should seem most proper; yet advised him, rather to accept of a reasonable composition whilst it might be had, than by too obstinate a defence bring so many loyal gentlemen with himself into danger of being made prisoners of war." Sir George seems to have had a noble ambition that this should be the last of the King's garrisons that bent under the power of the rebels, as in fact (I think) it was the last. Therefore seeing the castle still tenable, no breach made, no disposition of the enemies for an attack, he resolved to keep them out at least some time longer, and concealed the King's permission to treat, lest the knowledge of it should renew the cry for a surrender. And so the siege went on as before. But at length provisions growing short, the number of defendants leffening daily dy death and defertion, and no poffibility left of procuring supplies or recruits of either, he called a council of officers, and laid the King's letter before them. It was then concluded to yield to necessity, which the bravest men in the course of a war are often forced to do, without loss of reputation. In short, the garrison

Dr. Durel, a native of the island, afterwards Dean of Windsor, &c.

^{*} Cromwell was not yet Protector, but in reality had as much power as if he had been already fo.

marched out upon equal and honourable terms, and by the reddition of the place, the enemies became mafters of the whole island. As for Sir George he went to Paris, to give the King a more perfect account of all that had passed in this affair, and then settled with his family in France, where he remained under many mortifications, says Lord Clarendon, by the power and prosecution of Cromwell, till His Majesty's happy restoration.

Guernsey had some years before submitted to the usurpers, save Cornet Castle, which singly stood out for the King. This occasioned a fort of intestine war in that island, the castle and the town exchanging many shots at each other. But when all hopes vanished of doing His Majesty service by a farther resistance, that noble castle also opened its gate to the rebels; who in this same year, 1651, (so fatal to these islands) made an end of subduing the royal party every where entirely.

There had been no small apprehension in England, lest the King, urged by his necessities, should be induced to put these islands into the hands of the French, for fecurity of fuch fums of money as they would then very readily have furnished him with. And that such a thing was in agitation, Whitlock tells us the men at Westminster had advice by letters from abroad; nay, he says, those letters spake not of a fimple confignation only, but of an absolute sale?. It cannot be denied, but the King had it in his power to have so disposed of these islands, if he had pleased; and had met with provocations more than enough from a rebellious kingdom, to justify almost any measures he could have gone into to its hurt and prejudice. Now supposing such counfel to have been suggested by some about him, the event however shews that His Majefty generously rejected it, and, in the words of our great author 3, " was so strict and punctual in his care of the interest of England, when he seemed to be abandoned by it. that he chose rather to suffer those places of great importance to fall into Cromwell's power, than to deposite them, upon any conditions, into French hands; which he knew would never restore them to the just owner, what obligations soever they entered into." None understood better than the King, who had so long resided in one of them, how much it concerned England, that the French should never have any thing, on any pretence, to do with these islands; and it shews the greatness and nobleness of his mind,

[·] Hist. of the Rebellion, Vol. III. Part II. page 466.

² Memor, ad an. 1651. Letters that Jermyn and Grenvil were fent to Paris, to advise about felling of Jersey to the French.

³ Hift, of the Rebellion, Vol. III. Part II. page 465.

no less than his wisdom and forecast, in that, stissing his just resentment, he would trust his most deadly enemy with them, rather than that nation. By being in Cromwell's hands, they would remain to the Crown, that Crown to which His Majesty doubted not but God in his good time would restore him; whereas if once possessed by the French, they would be lost irrecoverably. As to our particular interest in this affair, no greater calamity could have befallen us than such a transaction with France. Then indeed we had been undone for ever. But having an entire considence in His Majesty's honour and declared affection for us, it never entered into our thoughts that he would pledge or sell us to our old enemies, and purchase their assistance at the price of our ruin; and so were exempt of those search apprehensions which disturbed others, conscious of their guilt and demerits towards him.

We were now fallen under the arbitrary rule of tyrants, whose little finger we found heavier than the loins of our rightful Kings; witness the sequestrations, compositions for estates, disqualifying for offices, imposing of sinful oaths and engagements, and other vexations, which followed upon our being made their conquest, or rather their prey. Haines sought out those who were reputed to have money, and kept them in arrest, till he had extorted a ransom from them. Five thousand soldiers were put at free quarters, upon the country, and left without check or control to commit the greatest insolences. Who being a frantic herd of sectaries of all forts, vented with full licence their fanatical rage (which they called zeal) against the established religion, turning the churches into guard houses and stables, abusing them in a manner yet more indecent and unsit to be named, spilling on the ground the water designed for the baptism of infants, disturbing the public assemblies, and invading the pulpits, with other profanations and impieties, very shocking to the good people of this island, who had been bred in a becoming reverence for the facred institutions of Christianity, trampled upon by those hypocrites.

His Majesty being restored to his kingdoms, was pleased to remember the services and sufferings of his subjects of Jersey; and as he conferred many marks of his royal favour on Sir George de Carteret, whom he brought near his person, made him Vice-

Ordered, that the Commissioners for compounding, do send some to sequester the estates of those in Jerfey. Whitlock ad an. 1651. Jan. 3.

Relation, MSS. ut fup.

During fome months.

⁴ The same with the Church of England.

Camberlain of his Household, and one of his Privy Council; fo he ever expressed the greatest kindness for the inhabitants; taking them into his special protection, and interpoling betwixt them and every attempt made to infringe their privileges, or bring any hardship upon them. And that by means of something durable and lasting, posterity might be apprized, as of our constant attachment both to his bleffed father and him, fo of his fingular affection for us, he presented the Bailly and Magistrates with a large filver gilt mace 1, having engraven on it by his order an inscription which we value and hold more precious than the gift itself, though that be very considerable. For it bears an honourable testimony of our fidelity, and particularly recites how His Majesty had twice found tutum receptum, i. e. a safe retreat in this island, dum cateris ditionibus excluderetur, i. e. when he was excluded from his other dominions. The inscription is in the Appendix, Number II. In time of war and danger, he had a watchful eye to our fafety, of which let this inflance fuffice:—During his abode with us, he had observed a defect in Elizabeth Caftle; which was, that betwixt the Lower Ward and the Fort called by his name, there remained a long narrow neck of land open and without defence, except from the fire of the next rampart. Here His Majesty apprehended an enemy might possibly, in case of a siege, lodge and entrench himself. Therefore at breaking out of the war with France in the year 1665, he caused the same to be strongly walled in, and mounted with ordnance, and thereby gave the castle all the perfection it seems capable to have, because no room is left for an addition of new works, unless by laying the foundation of them in the fea, which at every half flood furrounds and fhuts the place in on every fide. This did His Majesty in great goodness, and at no. fmall charge, for our better fecurity against the French, by whom we were then threatened.

King James II. has been handled so severely, and his miscarriages so aggravated, by writers of all sorts, that I hold it ungenerous to run with them in the same cry against him. Of him therefore, and his short unfortunate reign, I shall only say thus much, and less cannot be said; that as in England he had determined to bring in Popery by a Popish army, so in this island by a Popish garrison. He sent us early a commander of that religion, with a priest to prepare the way for it; and Elizabeth. Castle began to fill with soldiers of the same principles, or of no principles at all, who would have served the purpose as well. When the unhappy Prince lest the kingdom, and withdrew into France, those men had that important fortress wholly in their keeping; and might think they could answer their master's intentions no way better, than

² 'Tis carried before them at the meeting of the States, and on other folemn occasions.

by delivering it up to that power unto which he himself had sled for refuge. Here was cause sufficient to make us uneasy. But it pleased God to inspire our magistrates with such wisdom and force of persuasion, that in some conferences with the commander, they prevailed with him to admit the inhabitants to mount the guard in the Castle by equal proportions with the garrison. This abated of our fears, as it lessened our danger; and lest us to wait the issue of the public counsels and deliberations in England for settling the government, which ended in placing on the throne the Prince and Princess of Orange, by the name of

King William and Queen Mary. In this great change we rested and acquiesced. For though we could not comply with the seditious practices of forty-one, and rather chose to stand the sury of a powerful armed faction, which bore us down at last, as has been seen; we were not so dull as not to know how to distinguish betwixt a flagrant rebellion, that tore up foundations, and opened a scene of blood and all manner of iniquity; betwixt that, I say, and a revolution manifestly tending to preserve to us the two most valuable things in the world, true religion and civil liberty; albeit some, with no good design, have drawn odious parallels, and laboured to find a resemblance of one to the other. In the introduction, mention is made of an address to their Majesties, to which, in as much as it testisses our willing subjection to the Royal pair, our joint sovereigns, it may not be improper to give a place here.

To the KING's and QUEEN's Most Excellent Majesties.

The humble Address of the States of your Majesties Island of JERSEY.

May it please your Majesties,

WE acknowledge your Majesties great goodness in giving us access to your Royal presence, and leave to lay this address at your sect. We are the representatives of a people, who though distinguished from others of your Majesties lieges in language and peculiar customs, concur with them in the common interest of your kingdoms, and yield to none in zeal and affection to your Majesties facred persons and government. We are your Majesties ancier subjects, the remainder of that goodly patrimony which your renowned progenitors once possessed on the Continent; rescued from the unhappy sate of the rest, by that great care which they, in all their wars with France, ever took for the preservation of this important place; extending upon all exigencies their protection

tection to us, and constantly supplying us with every thing requisite for our defence: which, by the bleffing of God, has had fuch fuccess, that though our fituation exposes us to those formidable neighbours, who in the course of above fix hundred years, have often formed defigns against us, and actually invaded us, they have been as often repulsed; infomuch that after the revolution of so many ages, (wherein whole kingdoms have been torn afunder, and divided from each other) we have still, at this day, the happiness of remaining united, as at the first, to the rest of your Majesties dominions. We humbly conceive this island to be no less important to your Majesties now, than when it was thought fo by your Royal predecessors. The known endeavours of the French for fome years to increase their Naval power, with their late bold entering the channel, and disputing to your Majesties the empire of the sea, sufficiently point out the mischief and danger threatening your realms, should they become masters of this and the adjoining islands. In this conjuncture we think it ounduty to assure your Majesties, that (with Divine affistance) we will defend this place to the utmost of your Majesties fervice, and that we wish to be no longer than we are your Majesties subjects. Hoping your Majesties will believe, that though our tongues be French, our hearts and swords are truly English. The two last are entirely your Majesties, and the first are employed in nothing more than in celebrating your Majesties great virtues and just praises; and in befeeching Almighty God, who has fo wonderfully placed you on the throne, and by fo many miracles of his providence has hitherto preserved you thereon, to continue his powerful protection over you, to go out with your fleets and armies, and to complete that great work for which he has fo evidently defigned you; which is to raife the glory and reputation of this nation, to put a stop to the boundless ambition of the unjust diffurber of the quiet of Christendom, and to procure a safe and lasting peace to Europe. We are,

May it please your Majesties, Your Majesties most faithful And most loyal subjects, &c.

I cannot better conclude this History, that with some of those remarkable testimonies which our Kings have given of our loyalty and zeal for their service, in the many charters by them granted to the inhabitants of this island, and I shall begin with that of Edward III.

Edoardus Dei Gratia Rex Angliæ, & Franciæ, ac Dominus Hiberniæ, omnibus ad quos præsentes litteræ pervenerint,

Edward by the Grace of God King of England, and France, and Lord of Ireland, to all to whom these presents shall Salutem—Sciatis—quod nos grata memoria recensentes, quam constanter, &
magnanimiter, dilecti & sideles homines
insularum nostrarum de Jeresey, Guerneseye, Sark, & Aureney, in sidelitate nostra
reprogenitorum nostrorum regum Angliæ, semper hactenus perstiterunt, & quanta, pro salvatione dictarum insularum, &
nostrorum conservatione jurium & honoris
ibidem, sustinuerunt tam pericula corposum, quam suarum dispendia facultatum,
ac proinde volentes ipsos savore prosequi
gratioso, concessimus, &c.

come, greeting—Know ye—that we remembering with pleasure, how constantly and couragiously, our faithful and beloved subjects, the inhabitants of our islands of Jersey, Guernsey, Sark, and Aureney, have always hitherto continued faithful to us, and our ancestors, the Kings of England, and how many dangers they have undergone, and what great charges been put to, for the desence of the said islands, and for the preservation of our rights and dignity therein: being therefore willing to honour them with our gracious savour, we have granted, &c.

I shall next mention that of Edward IV. in whose time the inhabitants did the good service of recovering Mont-Orgueil Castle from the French who had surprised it.

Edoardus Dei Gratia Rex Angliæ, & Franciæ ac Diminus Hiberniæ, omnibus ad quos præsentes litteræ pervenerint, salutem cum nobiliffimus progenitor noster inclytæ memoriæ Richardus, quondam Rex Angliæ, Franciæ, & Dominus Hiberniæ, post conquestum secundus, per literas suas patentes datas apud Westmonasterium octavo die Julii, anno regni fui decimo octavo, in confideratione benigestûs, & magnæ fidelitatis, quos in ligeis & fidelibus fuis gentibus & communitatibus infularum fuaram de Jeresey, Guerneseye, Sark, & Aureney indiès invenit, de gratia sua speciali conceffit pro se & hæredibus suis, quantum in eo fuit, eisdem gentibus & communitatibus fuis, quod ipfi & fucceffores sui in perpe-

Edward by the Grace of God King of England, and France, and Lord of Ireland, to all to whom these presents shall come, greeting. Whereas our noble progenitor of famous memory, Richard, late King of England and France, and Lord of Ireland, the second after the conquest, by his letters patents, dated at Westminster the eighth day of July, in the eighteenth year of his reign, in confideration of the laudable behaviour, and remarkable fidelity, which he always found in his liege and faithful subjects, the people and communities of his islands of Jersey, Guernsey, Sark and Aureney, did, of his special grace grant for himself and his heirs, as much as in him lay, to the faid people and com-

tuùm, forent liberi & quieti, in omnibus civitatibus, villis mercatoriis, & portibus infrà regnum nostrum Angliæ, de omnimodis theloniis exactionibus, custumis, taliter & eodem modo quo fideles ligei sui in suo regno prædicto extiterunt; ita quod dictæ gentes & communitates suæ, & hæredes, & successores sui prædicti, benè & fideliter se gererent erga ipsum progenitorem nostrum, & hæredes & successores fuos in perpetuum, prout in literis illis pleniùs continetur; nos continuam fidelitatem gentis & communitatis dictæ infulæ de Jeresey pleniùs intendentes, literas prædictas, & omnia & fingula in eis contenta, quoad gentem & communitatem ejusdem infulæ de Jeresey, acceptamus, approbamus, & eidem genti & communitati, hæredibus et successoribus suis, per præsentes ratificamus & confirmamus. Et ulteriùs nos memoriæ reducentes, quam validè, viriliter, & constanter, dictæ gens & communitas ejusdem insulæ de Jeresey Nobis. & progenitoribus nostris perstiterunt, & quanta pericula & perdita pro falvatione ejusdem insulæ, & reductione Castri nostri de Mont-Orgueil sustinuerunt, de uberiori gratia nostra concessimus, &c.

munities, that they and their successors for ever, should be free and exempt, in all cities, market-towns, and ports within our realm of England, from all manner of tolls, exactions, customs, so and in the same manner as are his faithful subjects in his faid realm; provided and upon condition, that the faid people and communities, and their heirs and fucceffors as aforefaid, did behave well and faithfully towards him our faid predecessor, and his heirs and successors for ever, as in the foresaid letters appear more at large; we confidering farther the continual fidelity of the people and community of the faid Island of Jersey, do receive and approve the foresaid letters, and all and every thing in them contained, relating to the people and community of the faid Isle of Jersey, and the same, to the said people and community, their heirs and fucceffors do by these presents ratify and confirm. And we moreover calling to mind how valiantly, courageously, and constantly, the faid people and community of the aforesaid Island of Jersey have adhered to us and our ancestors, and how many dangers and losses they have sustained for the defence of the faid island, and the recovery of our Castle of Mont-Orgueil, have of our abundant grace granted, &c.

Queen ELIZABETH's Charter begins thus:-

Elizabeth Dei gratiâ, &c. Quùm dilecti & fideles ligei & fubditi nostri, Ballivus & Jurati insulæ nostræ de Jeresey, ac cæteri incolæ, & habitatores ipsius insulæ,

Elizabeth by the grace of God, &c. Whereas our faithful and beloved lieges and fubjects, the Bailly and Jurats of our isle of Jeresey, and other inhabitants of the infra

infrà ducatum nostrum Normanniæ, & predecessores eorum, a tempore cujus contrarii memoria hominum non existir, per speciales chartas, concessiones, confirmationes, & ampliffima diplomata, illustrium progenitorum ac antecessorum nostrorum, tam regum Angliæ, quam ducum Normanniæ, ac aliorum, quamplurimis juribus, jurifdictionibus, privilegiis, immunitatibus, libertatibus, and franchisiis, libere, quiete, & inviolabiliter ufi, freti, ac gavifi fuerunt, tàm infrà regnum nostrum Angliæ, quam alibi infrà dominia & loca ditioni nostræ fubjecta, ultra citráque mare, quorum ope & beneficio, infulæ prænominatæ, ac loca maritima prædicta, in fide, obedientia, & fervitio tam nostri quam corundem progenitorum nostrorum, constanter, fideliter, & inculpate perstiterunt, & perseveraverunt, liberaque commercia cum mercatoribus, & aliis indigenis ac alienigenis, tam pacis quam belli temporibus habuerunt & exercuerunt, &c. Quæ omnia & fingula cujus & quanti momenti fint & fuerunt ad tutelam & conversationem infularum & locorum maritimorum prædictorum, in fide & obedientia coronæ nostræ Angliæ, nos, ut æquum est, perpendentes: neque non immemores quam fortiter, & fideliter, infularii prædicti, ac cæteri incolæ & habitatores ibidem, nobis & progenitoribus noftris inservierunt, quantaque detrimenta, damna & pericula, tàm pro affiduá tuitione ejusdem insulæ & loci, quam pro recuperatione & defensione castri nostri de Mont Orgueil infrà prædictam infulam nostram de Jeresey, sustinucrunt, indiésque susti-

fame, within our dutchy of Normandy, and their predecessors, have from time immemorial, by special charters, concessions, confirmations, and very large grants, of our illustrious ancestors and predecessors, as well kings of England, as dukes of Normandy, and others, possessed and enjoyed freely, quietly, and without moleftation, feveral rights, jurifdictions, privileges, immunities, liberties, and franchifes, as well within our realm of England, as elsewhere within the dominions and places subject to our government, on this fide and beyond the fea, by which means, the forementioned iflands, and maritime places, have constantly, faithfully, and unblameably, continued, and perfevered, in their duty, fervice and obedience, as well to us as our foresaid ancestors, and have had the benefit of a free trade with merchants, and others, natives and foreigners, as well in times of war as of peace, &c. We therefore, duly confidering how necessary all these things, and each of them, are, and have been, for the maintenance and preservation of the foresaid islands and maritime places, in their duty and obedience to our crown of England: and withal remembring, how valiantly, and faithfully, the forefaid islanders, and others, inhabitants of the same, have ferved us and our progenitors, and how many losses, damages, and dangers, they have fustained, and do still daily fustain, as well for the continual defence of the foresaid island and place, as for the recovery and defence of our castle of Mont Orgueil, within our foresaid island of Jersey;

nent: non folum ut regia nostra benevolentia, favor & affectus erga præfatos insularios illustri aliquo nostræ benesicentiæ testimonio, ac certis indiciis comprobetur; verum etiàm ut ipsi, & eorum posteri deinceps in perpetuum, prout antea, solitam & debitam obedientiam erga nos, hæredes, & successiores nostros teneant & inviolabiliter observent, has litteras nostras patentes, magno sigillo Angliæ roboratas, in sorma quæ sequitur, illis concedere dignati sumus. Sciatis, &c. To the end, that not only our royal benevolence, favour, and affection towards the forefaid islanders, may be manifested by some remarkable testimony, and evident proof; but that also they, and their posterity may hereaster for ever, as they have done hitherto, retain and inviolably observe their usual and due obedience towards us, our heirs, and successors, we have thought sit to grant unto them these our letters patents, under the great seal of England, in the form and manner following. Know ye, &c.

Here followeth the preamble of a commission under the great seal, directed to Sir Robert Gardiner, and Dr. James Hussey, who were sent to Jersey in the time of King James I. with the character of Commissioners Royal, upon a particular occasion:—

James by the grace of God, King of England, &c. To our trufty and well-beloved, Sir Robert Gardiner, Knight, and James Huffey, Doctor of the Civil Law, and one of the Masters of our Court of Chancery, greeting. Whereas in our princely care, and earnest defire for the establishment and maintenance of justice, and for the security and wealth of our fubjects generally in our realms and dominions, we have been very mindful of the good estate of our loving subjects, the inhabitants of our isles of Jersey and Guernsey, and other their dependances, a portion remaining as yet unto us in possession of our ancient dukedom of Normandy; and have been, and are the rather moved thereunto, both for their entire and inviolate fidelity born by them towards us, and our predeceffors kings and queens of this realm of England, testified and declared by many their worthy and acceptable fervices towards this our faid crown; and also in respect of their fituation furthest remote from the rest of our said dominions, and for that cause needing our special care and regard to be had of them, being thereby exposed to danger of an invasion or incursion of foreign enemies; and whereas we are informed, &c.—For these causes, know therefore, that we have nominated you to be our Commissioners, &c.

Let me only add this notable passage of that great oracle of the English law, the Lord Chief Justice Coke. The isles of Jersey and Guernsey did of ancient time belong to the dutchy of Normandy; but when King Henry I: had overthrown his elder brother Robert Duke of Normandy, he did unite to the kingdom of England perpetually the dutchy of Normandy, together with these isles. And albeit King John lost the possession of Normandy, and King Henry III. took money for it, yet the inhabitants of these isles with great constancy remained, and so to this day, do remain, true and faithful to the crown of England. And the possession of these islands (being parcel of the dutchy of Normandy) are a good seisin for the King of England of the whole dutchy.

Part IV. of the Inftit, Chap. lxx. page 286.

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CHAP. II.

DESCRIPTION OF THE ISLAND.

THE coasts of Normandy and Bretagne, provinces of France, meet in almost a right angle, and form a spacious golf or bay, which takes its name from Mont Saint Michel, a samous abbey of Benedictins, seated at the bottom or inmost recess of it. In this great bay, betwixt Cap de la Hogue in Normandy, and Cap de Frehelle in Bretagne, the islands of Jersey, Guernsey, and the rest, lie as it were in a cluster, yet at reasonable distances from each other; and nearer to Normandy than to Bretagne. Jersey is the farthest within the bay, as Guernsey lies more without, towards the British Channel. From Jersey to Carteret or Port-bail in Normandy the traject is about six leagues, and the land being very high on both sides, churches and houses may be discerned from either coast.

Latter observations place Jersey in forty-nine degrees ten minutes of north latitude, and two degrees twenty minutes of west longitude from the meridian of London.

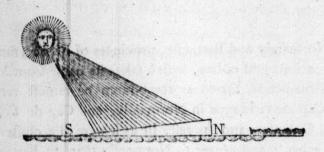
In length it exceeds not twelve miles. The breadth, where it is broadest (viz. at the two extremities, for in the middle it is narrower) is betwixt fix and seven.

The figure resembles an oblong square, or parallelogram, the longest sides whereof are the north and south, the narrowest the east and west. The north side is exceedingly raised, and looks down on the sea below, from cliss of forty and sifty fathoms perpendicular height, which renders the island generally unaccessible on that side. The south side is much lower, and in some places level as it were with the sea.

Thus, the distance betwixt Jersey and Sark is four leagues, betwixt the same and Guernsey seven leagues, betwixt the same again and Alderney nine leagues. This is the common computation.

I cannot better compare it than to a broad wedge, or to a right angled triangle; the basis whereof may be supposed to be the sea; the cathetus, those high and craggy cliffs which it has on the north; and the hypotenusa, the surface of the island which declines and falls gently from north to south, according to the following diagram.

JERSEY.



It receives two great benefits from this fituation. The first is, that those rivulets (for I cannot call them rivers) with which this island abounds, do by this means run further and receive a greater increase and accession of waters (whereby they become strong enough to turn forty mills ' that supply the whole country) than they would do, should the island rise in the middle, and all the streams by an equal course descend on every side to the sea. This consideration would be of no great moment to a larger country, but is of unexpressible use and advantage to so small an island. The second benefit which we receive from this situation, is, that by this declivity of the land from north to south, the beams of the sun fall more directly and perpendicularly thereon, than if either the surface was level, and parallel to the sea, or, which is worse, declined from south to north, as it does in Guernsey. For there, by an odd opposition to Jersey, the land is high on the south, and low on the north; which causes, if I may so speak, a double obliquity; the one from the position of the sun itself, especially in time of the winter solstice; the other from the situation of the land: and is probably the reason of the great difference observed in the qualities of soil and air in both islands.

^{*} Viz. 33 corn mills, and 7 fulling mills; there are also 3 wind mills in convenient places.

that the country one that title bears the image of a defert. This is faid to have impren-



This declivity of Jersey is not a smooth and even declivity, as some might think. The furface is extremely broken and unequal, rifing and falling almost perpetually. For as on the north, it is an entire hill, with few and short vales, so on the south, southeast, and south-west, it is cut into fundry fruitful valleys, narrow at the beginning, but growing wider as they draw still nearer and nearer to the sea, where they end in several flats of good meadows and pastures. Mr. Poindextre thought that this unevenness and inequality of the surface added much to the quantity and proportion of the ground, and that the island was so much the more capacious and productive, by how much the more the furface was expanded, rifing with the hills, and descending with the valleys. But herein I must take the liberty to depart from so great a man. It being demonstrable, that a country that is exactly level, will contain as many houses and inhabitants, will produce as many trees, plants, &c. as another country, whose surface is as uneven and unequal as can be, but whose basis or plane is no more than equal to the other. Therefore the true dimension of any country is not to be taken from those gibbosities that swell the surface in one place, or those profundities that depress it in another, but from the true basis or plane of that country.

The nature of the soil admits of great variety, which proceeds from this difference of higher and lower grounds. The higher grounds are gritty and gravelly, some stony and rocky, but others of a fine and sweet mould. The lower are deep, heavy and rich. Generally there is little barren ground in the whole island, almost none but what is capable of receiving some profitable culture, and recompensing one way or other the pains of the labouring husbandman.

We must except a pretty large tract of once excellent lands in the west of the island, which within these two hundred and sifty years have been so over-run with sands,

that the country on that side bears the image of a desert. This is said to have happened by divine vengeance on the owners of those lands, for detaining the goods of strangers that had been shipwrecked on that coast, though injoined by the highest cenfures of the church to restore them. There must be from time to time such public examples of divine justice among men, that the inhabitants of the earth may learn righteousness. And yet, I confess, it might be also the effect of a cause not preternatural. I mean, of those high westerly winds that blow here at almost all seasons of the year, and on this side of the island are daily seen to drive the sands from the bottom to the top of the highest cliss.

The island produces all kinds of forest and fruit-trees, shrubs, roots, flowers, and herbs, (whether medicinal, aromatic, or esculent) all kinds of pulse and corn, as do grow in England, the wheat of a smaller size. One fort of wheat we have, unknown, (if I mistake not) in England, called in the language of the country froment tremais, [frumentum trimestre] because it is but three months in the earth, being sown about the latter end of March, and all April long. Since the great increase of cider, and the inclination of the people to that liquor preferably to beer, so little malt is made in the island, that it would scarce be worth while to sow any barley at all, were it not converted to bread. Of itself barley makes but a coarse bread, yet wholsome and nourishing, and that is the bread of servants and meaner people with us. But a due mixture of wheat corrects that coarseness, and such bread is eaten by many of the better sort, who at the same time are not without good wheaten bread in their houses.

In Insula Jersey solum suit sæcundissimum, quod Canvetos appellant, in Parochia Sancti Brelardi. Nemo se satis divitem in Insula putabat, nisi illic prædium haberet. Contigit An. Dom. circiter 1495. quod quinque Hispanicæ naves illic secerunt media hyeme naufragium, ad Festum Cath. Quatuor naves aquis obrutæ. Quinta ad Littus perjecta homines (preter unum) servat incolumes. Reliqui omnes absorpti. Insulani diripuerunt earum sicus, vina, merces, & bona. Nec potuerunt Monitoriis, etiam & Anathematibus, res recuperare. Factum tandem, ultibne Divina, ut insula arena sive sabulo, quodierat ca parte ab occidente in medio maris, ventis perstata suerit, & universam illam agrorum sæcunditatem vastaverit. Nunc canvetos vocant. Ex MSS. Philippi de Carteret Eq. aur. Dom. de S. Audoeno, &c.

Mr. Poindextre pleasantly remarks, that this island might in old times like some places in Greece, have been confecrated to Assculapius, for the quantity and goodness of the medicinal simples growing in it.

Even in the fertile land of Canaan barley-bread was in common use, 2 Kings iv. 42. and seems to have been that which the Blessed Jesus and his Apostles had for their ordinary food, as may be gathered from the miracle of the sive barley loaves, John vi. 9. on which Grotius makes this observation, Significatur frugalitas Christi & Apostolorum, qui pane non nisi vili vescebantur. Annot. in Loc.

When Dr. Heylin came into this island, he found the people more addicted to tillage. and husbandry, than to manufactures and navigation; and accordingly in his Cosmography', he fays, that the island is generally very fruitful of corn, whereof the inhabitents have not only enough for themselves, but some over-plus to barter at St. Maloes with the Spanish merchants. The matter is much altered fince the Doctor was here, and the island does not now produce the quantity sufficient for the inhabitants, who must be supplied from England, or (in time of peace) from Bretagne in France. have often gone as far as Dantzic in the Baltick, invited thither by the cheapness of the te already little chocen in proportion to the

This decay of tillage amongst us has sprung from a coalition of such causes as these. (1.) From the improvement of navigation and foreign commerce, which took away many hands employed before in working at the ground, and brought us corn from outlandish markets cheaper than the husbandman could afford it at home. (2.) From the increase of the stocking-manufacture, which (to speak truth) has rendered the generality of our poorer people lazy and idle, giving them an aversion to husbandry-work, as a more painful occupation. (3.) From the conversion of the best arable lands into gardens and orchards for the growth of cider, a commodity with which we are now overflocked, whilf we want the more necessary support of life. Though it must be confessed that fince the present war 2, which has ruined our trade, our people sensible of their error, and pressed by the evident necessity of the thing, have applied themselves with more industry to an employment they had neglected, and have begun to put their hands again to the plough; fo that we may foon grow up to a condition of subfifting, if not wholly from ourselves, yet with a little help from England.

I might have named another great obstruction to tillage, but such as can hardly now be removed. Tis the prodigious augmentation of inclosures, fences, hedge-rows, and high-ways; which, though they add much to the beauty and perhaps strength to the island, yet hold they no proportion to the bigness of it, and waste a great deal of good land that might be turned to better account. For I verily believe, that these which I have mentioned, together with the gardens and orchards, the fituation, aveor worsels hanging over the way, the owner of the bester is fined; but, if the fault be

of the periffice, to equire in what repair the cavays are kept, which is

Lib. I. page 107. Tel ana there are burned contented viner and ton , remarks to are

The war with France in King William's reign, when this was written.

About 150 years ago the Island lay pretty much open, but when the humour of planting seized our people, they fell to inclosing, for shelter and security to their fruit. We had anciently agather way. very different u.le, called Perqueze, from the

nues, and issues of houses, take up very near one third of the whole island. One is not to imagine such low sences here as in England, but great bulwarks of earth (for so I think I may properly enough call them) raised, with much labour and expence, six and eight feet high, sometimes more, answerably thick and solid, planted with quikfets or timber trees, many of them faced with stone to a competent height, as you see the outside of a rampart in a Fortification. And for such they would serve against a prevailing enemy, to whom we might dispute every field. But still, I say, they are attended with this inconvenience, that they are too much multiplied, and take up too much ground, in a country where there is already little enough in proportion to the inhabitants.

These inclosures are great enemies to the pleasure and diversion of gentlemen, who cannot well hunt, especially on horse-back, unless about the sea coasts, where a few of the worst lands remain open, or inclosed with low sences.

our poorer people law and idle, giving them un to Having mentioned the many high-ways as great wasters of the ground, I shall add, that there are three forts of them in this island. (1.) Le Chemin du Roy, i. e. the King's high-way, which is to be twelve feet broad, besides two feet more to each bank or side, in all fixteen. (2.) Le Chemin de huit pieds, i. e. the eight-foot way, of eight foot in the middle, and four by the fides, in all twelve. (3.) Le Chemin de quatre pieds, 1. e. the four-foot way, like the Roman Actus, serving only for carriages on horse-back. Over all these there are in each Vintaine, or tything, particular officers appointed to inspect them; and yearly about midsummer, there is a perambulation of the Magistrates, in one or more of the parishes, to inquire in what repair those ways are kept, which is performed very folemnly. The constable of the parish where the perambulation is to be, takes with him twelve of the principal men of his parish, and meets the judge attended by three or more of the jurats on horse-back; before whom rides the Viscount or Sheriff. with his staff of office erected, one end on the pommel of his saddle. In ancient times it was cum lanced, with a launce. He keeps the middle of the way, the constable with the twelve men walking on foot by his fide; and when his staff encounters with a bough or branch hanging over the way, the owner of the hedge is fined; but if the fault be in the bottom of the way, not the party bordering, but the overfeers for that vintaine are amerced.

We had anciently another way, of very different use, called Perquage, from the Latin Pertica, because it was exactly four and twenty feet broad, which is the measure

of a perch. There were but twelve of them in the whole island, beginning one at every Church, and from thence leading straight to the sea. The use of them was to conduct thither those who for some capital crime had taken sanctuary in any of the Churches, and had been sentenced to abjure the country, according to an ancient practice amongst us. Having abjured, they were led by the Churchmen along those perquages to the sea, which perquages were still a sanctuary to them. If they straied never so little, they lost the benefit of the sanctuary, and became liable to be seized and suffer the penalty of the law. These perquages may be ranked among the singularities of this island, but the reformation which abolished sanctuaries, abolished these also. They then fell to the crown as wastes, and were granted by King Charles II. to Sir Edward de Carteret, who for a yearly rent parcelled them out to those who had lands bordering upon them.

We have in Jersey a method of agriculture differing in fundry particulars from" that of England. But so in England itself, the way of managing land is not every where alike. I shall mention one thing only relating to that subject, which Mr. Camden in describing this island, did not think below his notice. Tis, that nature having denied us the benefit of chalk, lime, and marle, has supplied us with what fully answers the end of them in husbandry. It is a sea weed, but a weed more valueable to us than the choisest plant cultivated in our gardens. We call it Vraic, in ancient records Veriscum and Wreccum, and grows plentifully on the rocks about the island. 'Tis gathered only at certain times appointed by the magistrate, and notified to the people by the public cryer on a market day. There are two seasons of cutting it, the one in Summer and the other about the Vernal Equinox. The Summer Vraic, being first well dried by the fun on the shore, serves for kitchen fewel in country houses, and makes a hot glowing fire; and the aftes, which are carefully preferved, ferve for manure. We hold them equivalent to a like quantity of lime. The Winter Vraic being fpred on the green swerd, and after buried in the surrows by the plough, it is incredible how, with its fat unctuous substance it meliorates and fertilizes the earth, imbibing itself into it, fostening the clod, and keeping the root of the corn moist during the most parching heats of summer'. In stormy weather, the sea does often tear up from the rocks valt quantities of this useful weed, and cast it on the shore,

lerter

In the Isles of Feroe belonging to Denmark they practife the same dreffing with Vraic. See the description of those isles by Lucas Jacobson Debes, Provost of the Churches there.

where the glad husbandman gathers it, and proper officers attend to see it distributed in just proportions. I do not a distributed and proper officers attend to see it distributed in just proportions.

ribelies that who for some c The genius of the foil is naturally much inclined to wood, and the humour of the people fuits with the genius of their foil. The whole island, especially the more inland part, is fo thick planted, that to one who takes a prospect of it from some higher ground, it looks like an entire and continued forest; though in walking through it, not a wood, hardly a thicket or coppice, is to be feen, but many hedge-rows and orchards, Nothing can be imagined more delightful than the face of the island, when the trees. fet along the highways, and in the avenues of houses, are covered with verdure, and the orchards are full of bloffoms, For as the one affords a pleafant shade, so the others recreate the eye, and perfume the air with a sweet fragrancy. But still it must be confessed, that so much shade is prejudicial to the growth of corn and pasture. Though we have much wood, we are not to well flored with good and large timber. The cause whereof is, that trees with us planted for timber, are once in feyen or eight years, pruned to the very top, which keeps them flender, and makes the timber knotty; the husbandman being forced to this course, not merely for the sake of fewel, but to prevent his little plots and inclosures from being over-spred by the too luxuriant, branches. And yet even such timber serves well enough for all common uses, and here and there flicks are found fit for the building of good ships, and the trained and held

The ordinary drink of this island is cyder, an ancient liquor, being mentioned both by Tertullian and St. Augustin. This last, writing against the Manichees, who ojected to the Catholicks their drinking wine, whereas themselves abstained wholly from it, answers, not by denying the fact, but by retorting upon those hereticks, that though it was true they drank no wine, they would take down very freely nonnullorum pomorum expressos success, vini speciem satis imitantes, atque id estam subvitate vincentes. that is to say, a liquor drawn from apples, very much like wine, and even exceeding it in sweetness. And the former speaks of apples, of which he and other Montanists would not so much as taste in their Xerophagias, by reason of the too generous and vinous juice of that fruit, ne quid vinositatis vel edamus vel potemus?. From which passages of the two African sathers, Cardinal du Perron (who by the way was born in

Vericum and Widecum, and grows of missily on the rocks about the flatidical like

stall u

^{*} De moribus Manichæorum, Cap. xiii. I distant, and state and the sand search as said and said and a said a said

a De jejuniis adverfus Pfychicos, Cap. i. 10 pd; to floren a grat a rundbad mand plants ands to conque

Jersey of Protestant parents) infers that cycler was first known in Africa; and thence brought early into Bilcay 2, a province of Spain unfriendly to the vine; which being the very case of Normandy, cyder in aftertime made its way thither also 3. The same account of the progress of this drink is given by the learned Huet, Bishop of Avranches, in his Origines' de Caen , where more authorities are cited to support that argument. From Normandy cyder eafily got into this island.

I do not think there is any country in the world that (on the same extent of ground) produces so much cyder as Jersey does, no not Normandy itself. Mr. de Samaréz his way of gueffing at the quantity throughout the island, was, to allow one Vergée of orchard, i. e. three quarters of an English acre, to every house one with another, and two tons of cycler to a Vergée. The houses (to make a round sum) he computed at three thousand, though there were then more, and the number is since increased. So he concluded the whole quantity to amount to fix thouland tons, or four and twenty thousand hogsheads.

'Tis not to be imagined the island should produce the same every year. alternate. A good year is usually succeeded by a bad one. But a good year commonly supplies us for that, and the next ensuing, beyond use and necessity, even to excess and debauchery. For this vast quantity of cyder must be wholly confumed among ourselves, very little being exported abroad, though it be the only product of the island of which we have an overplus to spare.

Many of our orchards are planted something in imitation of the famous Quincunx 3, and all of them in an order that gives them a beauty beyond what I have observed in Glocester or Herefordshire, where appears little exactness in the position and mutual

I must retract so much of this parenthesis, as affirms the birth of the Cardinal to have been in this island The matter stands thus, his father, a gentleman of Normandy, and minister among the reformed, to avoid the perfecutions in France, fled hither with his flamily, and here abode fome years. The Cardinal was then so young, that I was unwarily led into the error of supposing him born amongst us. How he came to apostatize afterwards, is nothing to our purpofe.

² 'Tis supposed by the Carthaginians, who drove a great trade in all parts of Spain.

Perroniana, in voce Cidre, p. 56. and 206.

ment on the guard or or 5 Cum autem admiraretur Lyfander & proceritates arborum, & directos in Quincuncem ordines, &c. Cicero de Senectute, §. xvii. Quid illo Quincunce speciosius, qui, in quancunque partem spectaveris, rectus est? Quinctilianus de Instit. Orat. Lib. VIII. Cap. 3.

aspect of the trees. Nor is there better, larger, and more generous fruit, than what grows in this island; but we have it in such plenty, that 'tis not possible we should be as nice in gathering it, and improving afterwards by art that sea of liquor which is drawn from it, as others are who have less. The common practice is to mingle all, sweet and sour, too often ripe and green, confusedly together. Such cyder, kept two or three years, or more, in large vessels holding several hogsheads, becomes as strong and inebriating as wine, which the effect it has among our people too visibly declares. Where gentlemen are curious for their own drinking, and cull the choicest fruit, then rack and bottle the cyder, as is done in England, it yields in nothing to the celebrated Redstreak, or rather surpasses it, in that it has more body? We find by experience that the best fruit for eating, is not the best for cyder. We prefer the bitter-sweet to all other, but the cyder requires more time in ressining.

Every house that has a plantation, though but of three or four Vergées, is provided with a mill to grind the fruit. There is first a trough, made of fix or seven great stones strongly cemented together, and hollowed deep with the point of the hammer, the whole exactly circular, and of twelve to sisteen seet diameter. In this trough, a large heavy mill-stone, turned round by a horse, stamps the apples to a mash. The mash is then carried to the press, where being very artfully piled up, the juice is squeezed out, to the quantity of sour or sive hogsheads at a time. One trough will keep two presses going, and where there are two such in a house, there will easily be made sour and twenty hogsheads of cyder per week. Those troughs (here called Tours) come to us from Chauzey, a small French island about eight or nine leagues to the South of us, where is an inexhaustible quarry of stone of all other the fittest for this use.

No longer ago than Queen Mary's reign, there was so little cycler made in this island, that the inhabitants were necessitated to apply to her for leave to import yearly from England custom free five hundred tons of beer for their provision, besides one hundred and sifty tons more for the garrison.

In older and more remote times, our drink was mead. Which when made strong,

¹ Some fingle trees have been known to produce a ton, or four hogheads of cyder.

[,] Since my living in Hartfordshire, I have had some brought me from the island, made of the fruit growing on my little estate there, and ordered as above, which for colour, soft and mellow taste, and that pleasant slavour it retained of the apple, was much admired by all who drank of it.

and for keeping, was called Vittoé; when weaker, and for present spending, had the name of Boschet; both answering to the υδρόμελι and μελίκρατον of the ancients. For then the island abounded with large and numerous apiaries, which thrived exceedingly, but have not been so much minded since the increase of cyder. Yet to this day Jersey honey will scarce admit of a comparison, and in the island itself bears more than quadruply the price of what comes to us from Normandy or Bretagne.

Could men be satisfied with the common drink of nature, water I mean, no people in the world are better supplied with that than we. It is, in my opinion, the great wonder of this island, that whereas 'tis but as it were a great rock in the midst of the Salt-sea, it abounds, perhaps beyond any other country under heaven, with fresh and excellent springs, which gush out of the stony Strata, and bubble up every where, running in a thousand pretty streams along the dales, till they lose themselves in the great receptacle of waters, the ocean. On higher grounds, where wells must be sunk, we seldom need go deeper than six or seven fathous, ere we meet with most pure and sweet water.

Nor do we want water for physic, any more than for common use. Some years ago, there was discovered in St. Mary's Parish, a spring strongly impregnated with a purging mineral; to which, in proper cases, our sick may have recourse, instead of going as hererotore to Dinan in Bretagne, to their no small trouble and expence, besides that the way thither was often shut up by a war. The approbation given to this water by Dr. Charleton, a learned English physician then sojourning with us, helped to put it into credit.

Though we are not so great sless as in England, our shamble on a market-day is well provided with good and wholesome meat; beef, mutton, lamb, &c. whose sweet and tender sless many prefer it to what is elsewhere both larger and fatter. This must be owing to the shortness of our grass, and its not having the rankness of richer and deeper pastures. Hence also the peculiar goodness of our butter.

It appears from Mr. Camden, that in his time this island was noted for bearing sheep with four horns?. But his information in this matter seems not to have been altogether exact. For the ewes indeed had no more than four, but the rams had six, viz. three on each side, one bending forwards in a semicircle towards the nose, another

Hence the word envittoûé, formerly used to fignify intoxicated.

De Inful. Britan. p. 804.

backwards towards the neck, and the third standing up erect in the midst of the other two. These are no longer, or very rarely, seen. Being of the smallest kind, consequently not so profitable to the owners, it put our people upon introducing a larger breed from England, which with time, and change of pasture, are sunk again into a less size.

Horses we have not many good for the saddle, but enough for the cart and plough, strong though small, less subject to distempers, and that will bear more fatigue, and fare harder without inconvenience, than English horses. I have seldom seen any foundered and lame, so that there is but little business here for farriers.

Our constant game is only the hare and rabbit. There are neither bucks, stags, wolves, nor foxes, in this island; which require more spacious countries to range in.

Of fowl we have plenty of all forts, whether barn-fowl, wild-fowl, or sea-fowl; among the latter the famous Soland geese, called here Bernacles, which come only in very cold weather. That those fowls are bred of a rotten plank or rib of a ship, which has been long floating in the sea, and imbibing its salts, is the vulgar opinion here. Many will tell you they have seen them yet sticking to the wood; some no bigger than mushrooms, and almost of that shape; some a little more brought into form; others perfectly fledged, and just ready to sly. The new philosophy, which explodes equivocal generations, and teaches that the smallest insect derives its being from a parent male and semale, has not yet made its way amongst us. And indeed is there a place in the world, where the most do not still believe that innumerable creatures proceed from corruption?

The Jersey partridge, with pheasant's eyes, red legs, and seathers of various colours, is one of the beautifullest birds in nature, and has been often sent alive to persons of quality in England, as a great rarity; but the sless is not much better than of the common grey partridge. The many hedges breed and afford shelter to an infinite number of small birds, who chirp it merrily all spring and summer long, and delight the traveller with their pretty melody. But the husbandman pays dear for that music, for they are very destructive to his corn and fruit.

I do not mean, by calling it fo, to appropriate it to ourselves. 'Tis common enough in southern

It were strange if an island so situated, near a continent and amidst rocks and shelves should not be well supplied with fish, such places being where they most delight to haunt. And better supplied it would yet be, did our people follow the fishing trade as much as in Guernsey, where every day of the week boats come in laden with fresh provision from the sea. It will be sufficient to mention a few of each species. (1.) For shell and rock-fish, befides oysters, lobsters', crabs, and numberless more of that tribe, we have the ormer, a fish known (I think) only hereabouts. Ormer (fays Mr. Poingdextre) is a contraction of Oreille de mer [Auris marina] a name given to it because of its form, resembling the ear of a man, but twice as big. The fish within the Shell is a solid lump of white pulp, very delicious, and coming nearest in taste to the slesh of land animals. The shell in the infide is of the colour and brightness of Mother of Pearl, and has been used instead of it for inlaid works. It has no under shell like the oyster, but the fish clings to the rock with its back, and the shell covers the belly. 'Tis found only at low-water marks, in great spring-tides. (2.) For flat fish, we have an infinite store of Rays, some with prickles, and those are the Thornbacks, others without them, large Turbots, Soles, Plaife, &c. all these in abundance. (3.) For scale-fish, we have still a greater variety. In the spring, Base come by shoals so near the shore, that cart-loads have been taken at a draught. But the most esteemed is the Mullet, both red and grey, and another we call Bar, a dainty fish, often two feet long. The commonest, and to be had at all times is the Vrac, a fort of sea-carp. (4.) For rough coated fish, such as go amongst us by the names of Haus, Rousses, &c. as they are the coarfest, so are they the cheapest of all fish, therefore bought by the meaner fort of people. But the sea about this and the adjoining islands might be stiled the kingdom of Congers, fo great is the quantity taken and brought to market at all feafons, fome weighing from thirty to forty pounds. Otho de Grandison, Lord (or Governor) of these islands in the reigns of Edward I. and II. forced an impost upon Congers salted for transportation; and it amounted to four hundred Livres Tournois by the year, at only one Penny Tournois-for every Conger above ten pounds weight fo falted and transported 1.

My design is not to give a complete natural history of the island. I might else take notice of divers more, remarkable for some peculiarity or other; as the Sirene, or Mer-

maid.

^a Good part of the lobsters eaten in London come from these Islands, boats going and coming continually for that purpose.

This was an illegal act of an arbitrary governor, for which his widow fuffered feverely in Edward the III.'s time.

maid, so called from its having teats like a woman; the Gronnard, to which our fishermen have given that name by reason of the grunting noise it makes, when it finds itself intangled in the net. It is of a perfect blood-colour, with a head almost as big as the rest of the body. But I must not omit the Lancon (as much as to say a little lance, because 'tis somewhat like one) which has this property, that 'tis never found in the water, but in some moving sand-bank left dry by the sea at low ebb, and there it hides and buries itself pretty deep, till the sand being stirred with an iron hook, it leaps up, and is taken by handfulls. It was formerly a great passime with young people of both sexes, in the warm nights of July and August, to go a catching this fish, which they called aller au Lancon. For the night is best for that sport, and the fish glisters on the sand. It might be prepared as an Anchove, but is usually eaten fresh, and when not kept too long, and well dressed, is a very good dish. We always thought it singular to this place, but Mr. Ray tells us, that they have it also in Cornwall, where they call it a sand-cel'.

The sea being so bountiful to us, we may the better be without fresh-water sish, of which (for want of great rivers) we have only the Carp and the Eel, sound plentifully in gentlemen's viviers or sish-ponds, especially in the sine canal of Samarez. Beyond all, there is a large pond in the west of the island, taking up in compass about twenty acres of ground, and belonging to the Seigneur de St. Oûen, where grows a Carp of such unusual bigness, and of so excellent a taste, that 'tis hardly to be equalled in Europe. Some have been brought into England that were three seet four inches long.

The only blemish and disgrace of this island (as it is by some accounted) is the great multitude of toads which swarm in it, and are chiefly seen in Summer and moist weather. It must be owned they are no very agreeable sight, though many of them have their skins sinely speckled and variegated. It is commonly said, poissonous as a Toad; but where that poisson lurks, or in what manner it operates, we are yet to find. They neither bite, nor sting. They lye in our sweetest water, and among our best fruit when it falls on the ground; and it is not known that ever any man received an injury from their doing so. The notion our people have of them is, that they draw out what is noxious and impure in the elements, and thereby contribute to health; and this they pretend to prove by the contrary example of Guernesy, which will not suffer a Toad to live in it, and yet is thought not so healthy as Jersey. However that be,

Wisdom of God in the works of the Creation. Part I. page 140.

these and others such unsightly creatures, found both on the land and in the waters. feem wifely contrived and defigned by the Almighty Creator, as foils to fet off the beauty of his other works. As likewise we are more southerly, and consequently warmer than England, fo in proportion we have more of the serpentine kind; but the heat not being intense enough to exalt their venom to any dangerous degree, we find them as harmless as the Toads. They hurt only such other creatures as Providence has allotted for their food. And as for those pretty green Lizards, which in a hot Summer's day are feen basking in the sun, looking earnestly and as it were with pleasure upon a man as he paffes by, fcarce flying unless they apprehend themselves to be pursued, they are an orunment rather than a deformity to the island. We receive the greatest annoyance from Moles, which abound with us, to the vast detriment of corn and grass, but doubtless to the benefit and melioration of fruit trees, by perforating the ground, and giving the rain a freer passage to the roots. It is those great banks of earth, raised here for fences, that afford to all these creatures their proper latibula, and that increase their breed. Were the country as open as in other places, we should have fewer of them.

The island is (praised be God) generally healthy. And naturally it must be so, considering the height and declivity of the land, and (in consequence of that) the rapidity of the streams, together with those fresh breezes which blow almost continually from the sea; the unsalubrity of any country arising chiefly from a low ground, and a stagnating air and water. Hence men have sound and robust bodies, and live to a good age, if by excesses of one fort or other they do not impair their healths, and shorten their days. There are places by nature so sickly, that the inhabitants cannot help sucking in poisonous miass with the air they breath; but most inexcusable are those men, who by irregular living bring diseases upon themselves, which are not of the growth (as I may say) of their country. I know none such here, unless it be an ague in September, after the toil and labour of harvest; to which therefore I would rather ascribe the same, than to any intemperature in the Heavens. Mr. Camden slightly mentions it; then adds, that there was no business here for physicians. It is not so now, since the coming in of gouts and other distempers unknown to our more sober and virtuous ancestors.

The cold here in winter is not fo great as in other parts under the same latitude... But we are very subject to high winds, which blow mostly from the west, and against

Medicis hîc nullus locus, De Inful, Britan.

which we have no nearer shelter than the great continent of North America, the next land to us on that side.

That vast and amazing chain of rocks that invirons the island, some above, others under water, some nearer, others farther off, and the many strong tides and currents that run among those rocks, all these render the access to us very difficult and full of hazard, except to such as are well acquainted with the coast. That many of those rocks were once firm ground, which the force of the sea has torn from the shore, washing off the softer and looser earth, and leaving only what it could not dissolve, is more than barely probable. For thus we are well assured, that four hundred years ago, part of the great bay of St. Ouen was a rich vale, which the sea has swallowed up. Not only ancient records speak of a people inhabiting that tract, but to this day at low water great stumps of oaks shew themselves in the sand, with evident marks of buildings among the rocks. Thus also the islet whereon Elizabeth-Castle stands, was joined to the main land when St. Magloire came hither about the year 565, and I have reason to believe, so continued some hundred years after.

As for the tides about this and the other islands, "they are (says Mr. de Samarez,) very extraordinary, and differ from the rest in the channel. They receive their motion at the mouth of the said channel, and take different impressions from the several heads of lands, and ledges of rocks, along and through which they pass. They tend east-south-east to the bay of Mont-Saint-Michel, by reason of its statues. In that bay the sea slows and ebbs ordinarily from sisteen to twenty miles, and sills it in the space of two hours. When 'tis full, the motion of the tides is checked, and they are conveyed northwards along the coast of Normandy, and so in twelve hours quite round the islands. The currents succeed so one another, that there is no still-water here, as in the channel, at low-ebb."

The island is divided into twelve parishes, so laid out that all have communication more or less with the sea. St. Saviour has the least. This seems to have been done for the sake of the perquages, those sanctuaries to criminals described above. The patishes are again subdivided into vintaines, so called from the number of twenty houses which each such subdivision is supposed to have anciently contained, as in England ten houses made a tything. Though the name remains, some vintaines have now more than three or four times the original number, as may be seen in the map; and in that respect,

^{*} See the Chapter of Religion.

though not in extent of ground, exceed many parishes in other countries. In St. Oden they are called Cueillettes, I know not for what reason.

This scheme exhibits all the parishes with their subdivisions.

I. St. Oûen, fix Cueillettes, viz.

de Vinchelés.

des Millés.

de Leoville.

des Grontés.

Grande Cueillette.

Petite Cueillette.

II. St. Peter, fix Vintaines, viz.

des Angueres.
du Coin Varin.
du Doet.
de St. Nicholas.
de la Vallée.
Grande Vintaine.

III. St. Brelade, four Vintaines, viz.

des Quenvés. de la Moye. du Coin. de Noirmont.

IV. St. Mary, two Vintaines, viz.

du Nord.

V. St. Lawrence, four Vintaines, viz.

du Coin Motier. du Coin Tourgis. du Coinés Hastains. de la Vallée.

VI. St. John, three Vintaines, viz.

du Nord. du Doet. de Herupe.

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VII. Trinity, five Vintaines, viz.

de la Ville a l'Evesque.

du Rondin.

de Rosel.

des Augrés.

de la Croizerie.

VIII. S. Helier, four Vintaines, viz.

du Mont à l'Abbé. du Mont au Prétre. du Mont Cochon. de la Ville.

IX. St. Saviour, fix Vintaines, viz.

de Maufant.
de fous la Hougue.
des Pigneaux.
de fous l'Eglife.
de la grande Longueville.
de la petite Longueville.

X. St. Martin, five Vintaines, viz.

de Rofel.
de la Queruée.
de fous l'Eglife.
du Fief du Roy.
de Faldoit.

XI. Grouville, four Vintaines, viz.

de la Rue. des Marais. de Longueville. de la Roque.

XII. St. Clement, three Vintaines, viz.

du Mont-Roquiere de Samarése Grande Vintaine.

Cueillettes and Vintaines in all fifty two.

St. Helier is the head-town of the whole island, and the next to it is St. Aubin, which last gives name to the bay wherein they are both seated, three miles asunder. It

is a bay of fine white fand, firm and level, which makes travelling fmooth and pleafant from one town to the other. The fituation of St. Helier is both commodious and delightful. On the fouth-west it has the sea, with a full view of Elizabeth-Castle, and of the road for ships. All round on the North quarters, it is fenced against cold blasts. by hills rifing up gradually into the island. From the bottom of those hills to the town lies a flat of meadows, watered by a clear stream, which, after it has enriched them, enters the town, runs along some of the streets, nay under some of the houses, so that by a bucket let down through a trap-door the water is brought up with the greatest ease. How far the nearer neighbourhood of a another great hill, one prominence whereof hangs in a manner over the town, may be a benefit or a nuisance to it, I will not undertake to decide. As 'tis a common, it should be beneficial, for the sake of herbage; and to gentlemen and ladies, it affords a lovely walk, with a most extended prospect on all fides. This is the hill mentioned before by the name of St. Helier's hill, vulgarly, le Mont de la Ville. In the reign of Edward VI. when the Duke of Somerset had the government of this island, there was a talk of building a new town upon this hill. and inclosing it with walls; which so doubtless would have been a place of very great strength, but destitute of the commodities the present town enjoys below, as particularly of fresh water. It seems as if that unfortunate great man intended to fortify himfelf in these islands against his powerful enemies, for thus also he began a cittadel in Alderney, which by his death remained unfinished. The town, in its present enlarged Cate, centains about four hundred houses, laid out into several wide and well paved streets. In the center is a large quadrangular place, faced on each fide with handsome buildings, among them with the feat of Justice, called la Cohue Royale. There a market is kept every Saturday, more resembling a fair than an ordinary market, by reason of the great concourse of people resorting to it from the remotest parts of the island, not only to buy and sell, but to dispatch all forts of business, or even purely to enjoy the conversation of their friends. The town is inhabited chiefly by merchants. shopkeepers, artificers, and retailers of liquors; the landed gentlemen generally living upon their estates in the country. In short, here is scarce any thing wanting for necessity or convenience. Besides the stream running through the place, there is a farther supply of good water from wells and pumps. The corn-market [la Halle a blé] is a piazza, under a pile of buildings supported by pillars, where the country people with their corn stand dry in all weathers. And so likewise the shamble [simply la Halle, or la Boucherie] is a spacious room inclosed, so that in passing the streets, neither the

¹ Chron. MSS. de Jersey. Ch. xxv.

fight nor smell are offended with dead carcasses of beasts, expossed on stalls, or in open shops, as is too common elsewhere. Whoever has observed the difference betwixt a clean well-built town, and an irregular jumble of houses, with miry streets and lanes, (and many a country market-town is no better,) will not think these remarks trivial, or out of the way. As to the number of inhabitants, by taking them at a medium of five to every house, which seems nearest to truth, we may pronounce them two thousand of all forts, without fear of erring much on either hand. And herein I do not include the dwellers in the out Vintaines, who amount to some hundreds more, and are parishioners, though not townsmen. For all these the church in the town, though very capacious, and filled with galleries, is no more than barely sufficient. This description of St. Helier would not have sitted it in Mr. Camden's days, nor even so low as 1694, when my book was first published; many particulars here mentioned, with others which for brevity I omit, being latter improvements.

St. Aubin is a town of merchants and masters of ships, who first settled in that place (otherwise not so proper to build on, because too much straitned between hills and the sea) for the sake of the adjoining port, the best and most frequented in the island. In extent and bigness, 'tis less than St. Helier by more than one half, but vies with it in the neatness of the houses. For here they are almost all new, whereas among the more elegant modern ones of St. Helier, there are not a few remaining of antique fashion, which in comparison make but an indifferent figure. And here also every Monday is held a market, improperly so called, it being rather an exchange, or meeting of merchants and others, about affairs relating to navigation and foreign commerce. The town lies in the parish of St. Brelade, and because the church is at a distance, with the way to it over a bleak hill, the inhabitants, most of them easy in their fortunes, have built a handsome chapel for divine service, by a contribution among themselves.

The port, as nature made it, and as it was threescore years ago, did not enough cover the thips within, against some particular winds. Therefore, a strong and massive stone work, or pier, in imitation of that of Guernsey, has been carried into the sea, which locks them in, and now is a safe and quiet harbour for them. In this pier "a sixth rate just sloats at a dead neap, and a ship of two hundred tuns at all times "." Our trade does not require greater vessels than of a hundred and twenty or thirty tuns, and for those there is always entrance at half slood. Large ships and men of war, such as sometimes visit us from England, must keep without in the road, where is very good

Mr. La Bastide's Prospect of the Fort, Harbour, and town of St. Aubin.

ground for anchoring. The pier joins to the fort of St. Aubin, and as that defends the ships from the violence of the winds and waves, so this protects them against the insults of an enemy. By a laudable emulation, St. Helier is raising such another great work at a convenient place near it; which is so far advanced that it already does good service, and will do more when brought to perfection.

After so much said of the two principal towns, it were superfluous to enumerate smaller hamlets, and clusters of houses, scattered up and down the island; the whole being indeed so full of habitations, that it more resembles a great village than an open and champaign country. By looking into the map, one may fee how thick they stand in the feveral vintains. And yet the numbers there, fall short of the present numbers. For 'tis not less than fifty years, fince that account was taken by Mr. de Samarez, and inferted into his original draught, of which the map in this book is a copy, and in that time the numbers have been confiderably augmented. They are doubled in the Vintaine de la Ville, but 'tis not so in the rest. This increase of houses is very much owing to the division of land among the children of a family. A younger brother, having but a few vergées for his lot, shall take it into his head to lodge himself (as the phrase here is) upon his little fund, and so up rifes a new house where never any was before. And an increase of houses inferring an increase of people, it follows that these also must, in those fifty years, be multiplied in proportion. I computed them at between fifteen and twenty thousand, but must now enlarge the account, and allow them to be the twenty thousand full, and upwards. And even so, I am aware some will think the estimate too fcanty, believing them to be many more; while others will look on it with admiration, that on fo small a spot of the earth, there should twenty thousand souls be found, all, excepting a very few, natives of the place 1.

This throng of inhabitants, and multitude of hands to defend the island, makes its strength and security. Therefore, whatever might tend to thin their numbers, must also in the nature of the thing tend to weaken the place, and expose it to an enemy. An oppressive government, a diminution of its privileges, hardships and discouragements laid on its trade, and the like, would in time do that, and sink its thousands to hun-

dreds.

This diftinguishes us from the sugar islands, Barbadoes, Antego, &c. said also to contain a great people. But what people? Slaves and negroes introduced from abroad, and bought with money like cattle, the proprietors and freed men scarce being a fourth or fifth part of the whole: and even thus mixed, they come not up to our numbers. For example, in Antego, whites and blacks together are at the highest but six and twenty thousand, though the island be twice as big as Jersey. See British Empire in America, Vol. II. pag. 175.

dreds. Were not the island thus populous, it could not defend itself; and nothing but great privileges and immunities quietly enjoyed will keep a people together, and promote their increase, who by their situation are continually in the mouth of danger. But of this again, in a more proper place 1.

Buildings, both in town and country, are substantial and strong, being all of stone. The common stone of the island is a rag stone, hard and brittle, and therefore not easily brought into form. There can be no want of it in a country that is itself but a huge rock, covered to a greater or less depth with a coat of earth. But befides that, there is in the parish of St. John, on a hill called Mont-mado, a rich quarry of excellent stone. rifing in great blocks, and capable of being cut and shaped into regular squares, like the Portland stone in England. The rag stone singly serves tolerably well for meaner houses, and keeps the weather out better than plaster or loom. But 'tis more usual to employ both forts together; namely, the Mont-mado for corners, doors, windows, mantle-pieces, 2 &c. the rag stone for filling up the interstices in the walls; and houses thus built are very compact, and make a handsome shew. Here and there gentlemen and rich merchants will have theirs faced wholly with Mont-mado, or, instead of that with Chauzey stone, which comes from the little French island of that name mentioned before. They are both of a fine grain, and are wrought with the point of the hammer almost as sleek as polished marble. The Mont-mado is of a reddish white, and the whiter the more esteemed; the Chauzey is of a bluish white, and with this last the town of St. Malo, in our neighbourhood, which affects a magnificence equal to a capital of a kingdom, is built altogether. France or England supply us with lime, having none of our own; and the latter with blue flate, to cover our churches and finest feats. But this coming pretty dear, we must for the most part be contented with thatching; which here is done with long well-chosen wheat straw, as little bruised as possible, laid on so artificially, bound fo firm, and cut fo fmooth and even, that the work not only looks well to the eye, but will refift a fform of wind better than I have observed common tyling to do in England. These Jersey houses, with proper care, will stand some hundreds of years, and would much furpass the flighter buildings of other countries, were the finishing and furniture answerable to their folidity. But our people, especially the middle

^{&#}x27; In the Chapter of Privileges.

What the right reverend Bishop of Man, in his description of that island, says of a rock there, is perfectly applicable to our Mont-mado, viz. "That out of it are wrought long beams (if one may use that expression) of tough stone, fit for mantle-trees, twelve or sisteen feet long, and strong enough to bear the weight of the highest stack of chimneys." Camden's Brit. Second English Edit. Vol. II. Col. 1443.

fort, have more regard to strength and durableness than to ornament. And there is good reason for it from the tenure of houses and land amought us, which is not for a certain limited term of years only, like farming in England, but a fin d'heritage, as we express it, that is to say, for ever. Hereby a man being perfectly master of what he possesses, prudence will direct his layings out, not in things of more present satisfaction or curio-sity only, and that will abide no longer than himself, but in such as may pass to his children's children, who are to enjoy the tenement after him. And in this view he builds substantially, and does many other things for a lasting improvement, which one who holds only for a time has not encouragement to do.

Trade with us is subject to many ebbs and flows, according as we have war or peace with our neighbours. In 1694 I complained of its being ruined by the armateurs of St. Malo, who then reigned in these seas, and in a manner blocked us up. At length we ourselves took to the same course of privateering, which, though gainful to some particular persons, could not make us amends for the loss of a peaceable open trade, the benefit whereof is more general and diffusive. Since things have been quieter, we are got again into our old track of business, and yearly send several good ships to Newfoundland 1, which from thence proceed into the Mediterranean with their lading of fish, call at the markets there, and bring home good returns to their owners. This is the prime trade we carry on abroad; and as none is fairer, and less liable to objections, 'tis evidently our interest to pursue it with greater application than any other. There is a dishonest clandestine trade, too much grown into practice every where, and England has fometimes (though I verily think without good foundation) conceived a jealoufy and diffrust of this island on that account. So far as I understand, what there is here of that kind, is at least to the advantage of England. I mean the running of tobaccos into France, which increases the sale and consumption of an English commodity. Yet neither do we run those tobaccos ourselves, or do it very rarely; but they among the French who allow themselves in that way, come and take them of us. We have but one constant standing manufacture for exportation, namely that of knit hose or stockings, of which many thousand pairs are weekly made in the island 2, and fold at St. He lier every Saturday by the knitters to the merchants; who heretofore used to carry fend them to Paris, and Rouen, and even as far as Lyons, in France, and there had a

In the year 1731, there went out seventeen ships, with sisteen hundred men; and in the year 1732, the number of ships increased to seven and twenty.

Mr. Poindextre computed them at ten thousand, But Mr. de Samarez at less.

good price for them. But when the famous Colbert fet himself to advance the commerce and manufactures of that kingdom, he caused so high a duty to be laid on this traffic as amounted to a prohibition. London is the present market for them, from whence they are with other English goods dispersed into various parts of the world. The wool they are wrought with comes to us from England, two thousand tods uncombed being by concession of parliament allowed us yearly, for supporting the said manufacture, and employing our poor. And England is no loser by that concession. For whereas it takes little or nothing of us save those stockings, we draw from it all forts of mercery and grocery wares, houshold goods, leathers, corn, Newcastle coal, &c. which must be answered with money, where the produce by the stockings is deficient, as it always is, and always will be, to the amount of considerable sums. This should be a caution to our people to import only things of necessity, and none of luxury, lest the balance turn too much against them, which in the end would prove fatal to the island. Our fore-fathers lived well though they traded less, because their manners were modest, simple, and frugal.

Estates in land cannot be great in a country where there is so little of it, and seldom to be bought under thirty years purchase. So that what is merrily said " of a gentle-" man's walking in a morning some miles outright on his own grounds for his health" is a piece of wit quite lost amongst us, no gentleman in this island having so extended a walk on his own property. 'Tis a work of time and of great industry, to enlarge an inheritance here; and when done, 'tis most commonly so by acquiring rents charged on other men's estates. A rent charge is not a thing unknown in England, but here those rents are differently constituted, being made payable in corn, or things of the like nature. Such a rent may originally be created thus. A man who wants money, fells (for example) a quarter of wheat upon himself, that is, binds himself and his heirs for ever with the annual payment thereof; and this same rent shall perhaps afterwards pass from the first purchaser through many hands successively, every seller still guaranteeing Thus again, the proprietor of a tenement with land lets it out to another, for fo many quarters of wheat for ever yearly; nay, though it be but a house, with not a foot of land to it, as in the town, 'tis let in the same manner for a rent in wheat, which feems absurd, yet is our practice. The term for payment of these rents is Michaelmas, from whence to St. Lawrence's day next following 2, they may be paid in specie. After

Stat. 12. Car. 2. Cap. 32. A like allowance to Guernsey of a thousand tods, to Alderney of two hundred, to Sark of one hundred.

[·] August 10.

that, it must be in money, according to a certain rule or standard set by the royal court; which always meets upon that day, and from an account laid before of it of the several rates that corn has been sold at in the market every Saturday throughout the year, determines the price of the rents remaining unpaid. Now then when 'tis asked what estate a man has in this island, the question is not, how many pounds, as in England, or how many livres, as in France, but how many quarters of wheat he is worth yearly. And this makes estates with us somewhat variable and uncertain; seeing they must rise and fall according to the price of corn each year in the market. A Jersey estate of a hundred quarters of wheat, may be supposed pretty near equal to one of seventy pounds in England; and he that is worth two or three hundred such quarters, is called a rich man in this island.

Gavelkind, or the partition of both real and personal estates among sons and daughters, is our ancient usage, and destroys many an inheritance, by mincing it into several parcels; which peradventure in the next generation, shall be subdivided again into still lesser portions, and so on, till an estate is reduced almost to nothing.

In short, he who is ambitious of raising a great estate, must look out for another country, for 'tis not to be done in this island. But a man of moderate defires (and ought not every Christian to be such?) may enjoy himself very comfortably in it, always supposing peaceable times. The cheapness of things makes a little money go a great way; and the exemption we enjoy from taxes, and impositions on what a family consumes, renders a small estate equivalent to one of better value elsewhere.

The language is French. Divine service and preaching, pleadings in court, public acts, conversation among the more genteel and well-bred, all these are in good French; but what the vulgar do speak, is confessedly not so. Yet even that is not so properly a corrupt, as an obsolete and antiquated French. For, excepting the viciousness of pronunciation, it seems to be the very same that obtained in France in the reigns of Francis I. and Henry II.; as appears from the books and writings of that age, wherein one finds abundance of words, retained to this day by our people, which a polite modern Frenchman would not use, perhaps does not understand. All languages are subject to change, but none has undergone more or greater alterations than the French, whether for better or worse is not agreed among their own writers; some of whom com-

As craffet, for a lamp to burn oil in; huche, for a large wooden coffer; with innumerable others.

plain that their language has been impoverished by too much refining it, and casting off words of great usefulness and significancy. After all, there are spoken in many provinces of that kingdom various jargons, not a whit better than the worst amongst us; and what is faid by them of themselves; que les gens de qualité, & les gens de lettres, parlent bien par tout, i. e. that people of fashion, and men of learning, speak well every where, is (I trust) no less applicable to others. It ought not therefore to deter English parents from fending their children hither to learn French, though at the hazard of carrying back a few less modish and elegant turns of speech, which books and good company will eafily correct afterwards. Here, they will be out of the way of men who lye in wait to deceive, and their religion and morals will be fafe, which cannot be faid of the places they go to. Add to this, a faving and lessening of expense. Albeit French be our ordinary language, there are few gentlemen, merchants, or confiderable inhabitants, but speak English tolerably. The better to attain it, they are sent young into England. And among the inferior fort, who have not the like means of going abroad, many make a shift to get a good smattering of it in the island itself. More especially in the town of St. Helier, what with this, what with the confluence of the officers and foldiers of the garrison, one hears well-nigh as much English spoken as French. And accordingly the weekly prayers in the town church, are one day in French, and another in English.

In this island are many very ancient families, not only among the qualified gentry, but even among those of a middle rank and degree. Of which latter there are some of several hundred years standing, as all our records, and particularly the Old Extent of 1331, plainly testify. This is owing to the perpetuity of our tenures, not subject to

"Tis a rent roll, or register of such as held land from the crown, An. Vto. Ed. III. wherein are preserved the names of families then in being, and that have subsisted ever since in statu quo, which is an antiquity of no less than four hundred years. And it not being amiss to give one instance at least of a thing scarce seen elsewhere, I shall give it in my own family, with which I may be freer than with another. The extent is in Latin, and what follows is extracted from it.

In Parochia Sancti Salvatoris.

xxxxxx

Johannes Falle, sen. [solvit Domino Regi] pro una Boveta cum pertinent, et cum particibus suis ad Fest. Sti. Mich. ii. Sol. viii. den. ad Fest. Pasch. ii. Sol. viii. den. ad Fest. Sti. Pauli ii. Sol. viii. den. per an. viii. Sol.

Johannes Falle, jun. idem: Ricardus Falle, idem.

Thomas Falle, idem.

removes and changes, as in other places, where by frequent transmigrations such families soon wear out of remembrance, and their original is forgotten.

Gentlemen possessed of the principal seigneuries or manors (for they are not all of equal regard or dignity) have the same civility paid them as in France, of not being addressed to by their samily name, but by that of their seigneurie, which gives them a character of distinction. Thus, of the name of Carteret there are the Seigneurs de St. Oûen, de la Trinité, de Vincheléz, &c. of that of Bandinel, the Seigneur de Melesche; of that of Dumaresq, la Dame de Samarez, the Seigneur des Augrés; of that of Lempriere, the Seigneur de Dilament; of that of Pipon, the Seigneur de Noirmont; and so of others. The samily names are mostly Norman, some Breton, with a sew English from King John's time downwards.

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CHAP. III.

MILITARY GOVERNMENT.

I HE chief officer in this island; he who more immediately represents the person and authority of the fovereign, and has the precedency of all others, is the governor. Whilst the island was subject to the Kings of France of the first and second race, the governors were stiled Comites and Duces, i. e. Counts and Dukes. Thus Loyescon, who commanded here in the time of Clotaire and Cherebert about the year 560, is called Comes, a Count; as we learn from the compilers of the life of St. Magloire, the Apostle of this island . And Amwarith, who had the same command under Charlemagne two hundred years after, is called Dux, a Duke; as appears from the passage alledged before concerning Geroaldus, Abbot of Fontenelle, that, is quadam Legatione fungebatur in insuld cui nomen est Augia [i. e. Jersey] cui tempore illo prafuit Dux nomine Amwarith. Under the Dukes of Normandy, and the first English Kings after the conquest, the government of all these islands was usually given to one man, called fometimes Dominus, fometimes Ballivus, fometimes Custos Infularum, i. e. Lord, Bailly, and Warden of the Islands. But Henry VI. gave them, together with the isle of Wight, to Henry de Beauchamp, Earl of Warwick, with a very extraordinary title, viz. that of King, as is faid in an ancient manuscript chronicle of the Abby of Tewkesbury cited by Mr. Selden in his Mare Clausum, which speaks thus. Obiit Dominus Henricus nobilis Dux Warichiæ, et primus Comes Angliæ, Dominus le Dispenser et de Abergevenney, REX de Insulis Wight et Gardsey et Jardsey, Dominus quoque Caftri Bristoliæ cum suis annexis, iijo. Id. Junii A. D. 1446. atatis sua XXIIo. apud

² See hereafter in the Chapter of Religion.

Page 4.

[•] Neuftria pia in Fontanel. Cap. viii, pag. 155.

⁴ Lib. II. Cap. XIX. pag. 375.

Castrum ----, et sepultus est in medio Chori Theokesburiæ. When the islands were separated, and particularly governors assigned to each, they were stilled Captains, and at last Governors, which title was fixed by a special order of Council, June 15, 1618.

This office has been anciently held by persons of very great note and eminency, and we can reckon among our governors the sons and brothers of some of our Kings: as John Earl of Mortain, afterwards King, who had these islands settled upon him in the nature of an appanage by Richard I. his brother; Prince Edward, afterwards King Edward I, son and successor of Henry III. who enjoyed them in the same right in the life of his father; and lastly, John Duke of Bedford, brother of Henry V.

From the time of Henry VII. Jersey has of itself been a distinct government. His coming into this island, as mentioned in the first chapter, gave that Prince the opportunity of acquainting himself with our affairs; and then very probably he saw the inconvenience of committing the regimen of all the islands to one person. At his accession to the Crown, he found that post filled by Sir Richard Harliston, who had so seasonably affisted Philip de Carteret in recovering Mont-Orgueil Castle from the French. That gentleman was a partisan of the house of York, yet in regard of the good service he had done, the King would not remove him. But he did that himself some years after, by weakly giving credit to the imposture of the Dutchess of Burgundy and her Perkin-Warbeck. For at her call he went into Flanders to serve that interest, and never returned. In all other respects he was a worthy man. A tower built by him in Mont-Orgueil Castle, and from him called Harliston's Tower, will preserve his name amongst us whilst that Castle stands.

Matthew Baker, groom of the bed-chamber to the King, was then made governor of Jersey, and another appointed for Guernsey and the smaller islands. But the wise King was deceived in this man, though one would think he might have known him better, having had him so near his person. He behaved so ill, and was pursued with so loud a cry from the island, that in the end he was ejected; and from his abuse of power the King took occasion to moderate that of suture governors, by depriving them of the nomination of the Bailly and other officers of justice, of which again by and by.

Thomas Overay, by education a merchant, and several times mayor of Southampton, thence taken into the court. This proved one of the best rulers we ever had. With-

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out being deficient in any thing belonging to the military part of his office, he more earnessly applied himself to make his knowledge in trade useful and beneficial to the island, so that it flourished in his time, and as our chronicler speaks devint riche opulente, i. e. grew rich and wealthy. He constantly resided on his government, lived beloved, and at his death was followed with lamentations and tears to his grave in St. George's Chapel within Mont-Orgueil Castle, where he lies interred.

Sir Hugh Vaughan and David Philips were joined in one patent, but not agreeing, the latter on some considerations surrendered to the former, who remained sole governor. A man of low birth and extraction, yet in great grace and savour with Henry VIII. for some uncommon seats of bodily strength and valour. His character has been given already?. After his expulsion, the King in mere pity allowed him out of the revenue of the government two hundred pounds a year for a subsistance; a great fall for one who is said to have been at one time captain of the King's Life-guard, Lieutenant of the Tower, High-bailly of Westminster, and governor of Jersey.

Sir Anthony Ughtred, nearly allied by his wife to Queen Ann Boleyn, and not unworthy of that alliance. He had been governor of Berwick, and eminently ferviceable in the Scottish wars. Notwithstanding his relation to the court, and what farther expectations he might have from it, he lived and died in the island, and was buried in St. George's Chapel with his predecessor Overay.

Sir Arthur Darcy held the government not long. The lord Vaux was ambitious of having that employment, and withal so imprudent as to part with a good estate in Northamptonshire to Sir Arthur in exchange for the same, even before he was affored whether the King would, or would not, confirm the Convention between them two. When he came to apply for that purpose, the King plainly told him he would not trust the keeping of such an island as Jersey to one who could not keep his own lands; yet gave him leave to demise the office to a third person whom his majesty should approve, and to receive a recompence for it.

Sir Edward Seymour, Viscount Beauchamp, was the purchaser; whose great rise afterwards, even to the protectorship, not allowing of his coming amongst us, he governed us by deputies, being ever ready to hear favourably the complaints for which

^{*} Chron. MSS, de Jerfey. Ch. XIV.

Sup. pag. 85 and 86.

they too often gave occasion, and to do the inhabitants justice. When the good Lord fell into his troubles, he willingly refigned the government to

Sir Hugh Paulet, in whose family it continued during three generations. For to Sir Hugh succeeded his eldest son

Sir Amias; and to him likewise his eldest son

Sir Anthony. The two first, men of great note in their time for political wisdom and abilities, and accordingly much trusted and employed by King Edward VI. and Queen Elizabeth in their negotiations and councils. Zealous promoters of the reformation of religion in this island, but too much leaning to the puritans scheme, as will appear hereafter.

Sir Walter Ralegh came in after the Paulets the year only before his royal miftress Queen Elizabeth died, and was attained the first of King James, so that we were soon bereaved of the happiness we promised ourselves under so excellent a person. His bare name in the list of our governors, does honour to the island.

Sir John Peyton is next, betwixt whom and John Heraut, commonly called Monfieur de St. Sauveur, a man of spirit, happened a very warm contest about the place of Bailly, of which the last stood possessed by a grant from the crown; the governor infifting on a power by his patent to dispose of the place, and to put in and out whom they thought fit. And true it is that anciently the governors had such a power, but Henry VII. finding it abused, and grown exorbitant, suppressed it, and reserved it to himself, by an express article in his ordinances, which says, that the King shall have the nomination of the Bailly, the Dean, the Viscount, and of his procurator, [i.e. his Attorney General in the faid island; and that neither the captain [i. e. the governor] nor the Jurats, shall in any wife concern themselves, or intermeddle, in the disposition of those offices, whereby even the liberty of recommending seems to be interdicted them. Inconsequence of this law (for those ordinances were given to us for laws, as has been faid in another place 2) the clause in former patents, that allowed the governors constituere, facere, & deputare omnes & singulos officiarios in prædicted insuld necessarios & confuetos, was dropt for a time, and upon vacancies application was made directly to the crown. I fay, for a time; for by some collusion at the seals (how else it could be done, I conceive not) the subsequent governors found means to get the impowering clause inserted again, and in Sir John Peyton's patent it ran thus, constituere, facere, & deputare officium Ballivi dicta insula, & omnes & singulos officiarios in pradicta insula necessarios & consuctos; where the office of Bailly is drawn in, which was not in the general clause before. Here then lay the point in dispute, whether the ordinance of Henry VII. ratified by his son and successor Henry VIII. or the patentary clause, should stand; which being brought before King James and his council for a determination, the former carried it; with the addition of another office withdrawn from the governor's nomination, namely that of Advocate, or Solicitor General, and there the matter has realled ever since. See the King's pleasure signified thereupon, in the Appendix, Numb. III.

Sir Thomas Jermyn, a great courtier in that reign, had in Sir John Peyton's lifetime obtained the reversion of the government, which at the other's death fell to him accordingly. He enjoyed it long, and by a like reversion transmitted it to his younger for,

Henry Jermyn, afterwards Earl of St. Albans. This Lord was chamberlain to Queen Mary, confort of King Charles I. and attended her into France, where he remained with her Majesty, as chief director of her family, until the restoration. In the mean time the island being threatened with an invasion from England by the rebels,

Sir George de Carteret, who till then had only the Lieutenancy under the Earl, was added to him in the participation of the government, with equal authority in all things. Wherein no inconvenience could happen through a concurrence and jealoufy of command, because Sir George was alone upon the place; of whom, and the noble defence he made against the rebels, a large account has been given before. The troubles being over, and the King restored, the partnership ceased, and the government remained solely in the Earl; a farther grant whereof, in survivorship after him, he had interest enough to procure for Thomas Jermyn, Esq. his eldest brother's son, whom in the interim he made his deputy. But the imminent danger of the island in 1665, spoken of in the introduction, calling loudly for a soldier of name and reputation (which the Earl was not) to command in the place, it was proposed to give him one thousand pounds a year out of the exchequer, in lieu of the profits of the government, and that another should go in his stead with a special commission, reserving to him and his nephew their respective rights entire and untouched, in which he acquiesced.

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Sir Thomas Morgan was the brave man thus commissioned, whose great merits toward us have been remembered in the aforesaid introduction, and need not be repeated here. I shall only say this farther of him, in commendation of his great vigilance and care of his charge, that he never allowed himself to be long absent from it; and would sit whole days on the carriage of a cannon, hastning and encouraging the workmen employed in the new fortifications of Elizabeth-Castle, which were carrying on under his order and inspection. Though he sell not in battle, he may be said to have dyed in the bed of honour, by dying on his post, i. e. in the island, after he had put it in a better state of desence, and every way on a better military soot, than it ever had been before. He dead, a like commission was directed to

Sir John Lanier, another brave officer, who had distinguished himself in that body of English auxiliaries which served some time in France under the unfortunate Duke of Monmouth, natural son of King Charles II. Among those troops did the more fortunate Duke of Marlborough himself first learn the art of war. Sir John, after the satingue of several campagnes, and the loss of an eye, would gladly have set up his rest with us, and pursued fortune no farther. But it was not given him so to do. For the Earl of St. Albans dying, his nephew, now Lord Jermyn, claimed the government, or to have the thousand pounds yearly pension continued to him, one of which could not be denied him. King James II. was then on the throne, who, to spare his exchequer, chose to let his lordship enter upon the government, and recalled Sir John, to whom he gave a regiment of horse. To finish the account of of this gentleman, by going early into the revolution he preserved his command, was sent into Scotland to take in Edinburgh-Castle, assisted in the reduction of Ireland, and serving under King William in Flanders as one of the generals of horse, lost his life at the battle of Stein-Kirk in 1692.

Thomas Lord Jermyn had long before, viz. whilst he was deputy to his uncle, intituled himself to our respects by the easiness and affability of his manners. His natural good understanding did also in great measure supply his want of experience in military affairs. Humanity and good nature were his proper character. He died in the second year of queen Ann, and in him ended that courtly family of the Jermyns, possessed of a reversionary right to the government of this island ever since the beginning of the reign of King James I. To this Lord inclusively, and then living, I brought down the succession of our governors in the first addition of my book, and am now to add

Henry Lumley, Esq. only brother of the late Earl of Scarborough; first, a Colonel, then

then general of horse; "present at every battle, and every siege, with King William, or the Duke of Malborough, in twenty campagnes, in Ireland, Flanders and Germany," as the inscription on his monument declares. What raised the glory of this gallant man, viz. his great employments in the armies abroad, turned very unhappily to our prejudice. For as those were pleaded in excuse for not visiting his government, never seen by him unless in the map, so it must be a great loss to us, to have year after year the whole income of the said government drawn out of the country; which not abounding in money, did then, and will always very sensibly feel such a drain and export. We cannot however but acknowledge his readiness to serve the interests of the island on all other occasions, and his civility to the inhabitants whose affairs in England needed at any time his countenance and favour.

The right honourable Sir Richard Temple, Lord Viscount Cobham, the present governor.

This office has been held sometimes quamdiù Domino Regi placuerit², sometimes quamdiù se benè gesserit³, sometimes for a certain and determinate number of years⁴, sometimes during life⁵, at other times during life and some odd years beyond it⁴, and again without condition or limitation of time⁷.

In Sabsworth church, Hertfordshire. See the whole inscription in Dr. Salmon's history of that county, page 266.

Richardus Grey, Custos Insularum, an. 10. H. 3. Hugo de Sancto Phileberto, Custos de Jersey, cod. anno. Wilhelmus de Sancto Johanne, Cust. Insular. an. 11. H. 3. Arnauldus de Sancto Amando. & Philippus de Carteret, Custodes Insular. an. 16. H. 3. Philippus de Albimar, & Wilhelmus de Sancto Johanne, Custodes Insular. eod. anno. Johannes des Roches, Cust. Insular. an. 2. E. 3. Thomas Hampton, Cust. Insular. an. 15. E. 3.

Richardus Harliston, Capitaneus de Jersey. an. 17. E. 4. Hugo Vaughan Capit. de Jersey. an 17. H. 7.

4 Thomas de Ferrariis, Cust. Insular. pro termino 6. annorum. an. 12. E. 3. Idem. iterum Cust. &c. pro term. 5. annorum. an. 17. E. 3. Johannes Nansan, Cust. Insular. pro term. 5. annorum & dimid. an. 31. H. 6. Id. iterum Cust. &c. pro term. 10. annorum. an. 36. H. 6.

Hugo Calvilegh, Cust. Insular. an. 50. Ed. 3. Johannes Golafre, Cust. Insular. an. 11. R. 2. Edmundus Comes Rutland. Custos Insular. an. 20. R. 2. Matthæus Baker, Capit. de Jersey an. 3. H. 7. Thomas Overay, Capit. de Jersey, an. 15. H. 7. Antonius Ughtred, Capit. de Jersey, an. 17. H. 8. Arthurus Darcy, Capit. de Jersey, an. 25. H. 8. Thomas Vaux, Dominus de Harrowdon, Capit. de Jersey, an. 27. H. 8. Edwardus Seymour, Vicecomes Beauchamp, Capit. de Jersey, an. 28. H. 8. Hugo Paulet, Capit. de Jersey, an. 4. E. 6. Amias Paulet, Capit. de Jersey, an. 13. Eliz. Antonius Paulet, Capit. de Jersey, an.—Eliz. Walterus Ralegh, Capit. de Jersey, an. 43. Eliz. Johannes Peyton, & Thomas Jermyn, Gubernatores de Jersey, an. 1. Jac. 1. Henricus Dominus Jermyn, & Georgius de Carteret, Gubernat. de Jersey, an.—

Otto de Grandisono, Cust. Insular. an. 5. E. 1.

Edmundus Roffe, Cuft. Infular. an. 47. E. 3.

To support the dignity of this office, the King allows the governor his whole revenue in the island, a small part thereof deducted for fees and salaries to the officers of the civil jurisdiction. In ancient times, this revenue consisted in seven manors, the patrimony of the Dukes of Normandy, by Henry II. let out in fee farm to fundry tenants, at the yearly rate of four hundred and fixty livres tournois; as also in diverse other money rents, specified in the old extent made an. 5. Ed. 3. by commissioners fent to inquire into the state of the royal demean; all together to the amount of more than a thousand livres tournois annually, a livre tournois [Libra Turonensis] being then as much as an English pound sterling is now. And besides, there belonged to the same revenue feveral parcels of lands and meadows, wheat-rents, wardships, services, escheats, forfeitures, fines, and other emoluments, certain and casual, not reckoned like the others in money, which, with them, made up a pretty estate for the King in so small a country. But now, the livre tournois, according to which the money-rents were then valued, is fallen so low, that the abovesaid thousand livres tournois are brought under one hundred pounds sterling; and many alienations have been made of the Crownlands and rents, some begged, others fold, particularly by King Charles II. to supply his necessities in his exile. At present, the revenue consists principally in the corntythes of ten parishes i, which having been appropriated to diverse religious houses in Normandy in time of Popery, were by Henry VIII. vefted in himself and his succesfors. By a latter extent, the whole is computed at fifteen thousand livres per annum; for the collecting whereof the governor appoints a peculiar officer, stiled le receveur du Roy, i. e. the King's receiver.

Our Kings heretofore were wont to dispose of this revenue more thristily than they now do, laying on it the whole charge of the garrison 2, causing the remainder to be accounted for in their exchequer, and out of that allowing a proportion to the governor, greater or less, as he could agree, or had an interest in the Prince's favour. Thus John des Roches, Warden of the islands in the reign of Edward III. had only the short allowance of forty pounds a year 3. The more usual way was to let the governor receive

The tythes of St. Saviour are annexed to the Deanry. Those of St. Helier were begged by Sir Edward de Carteret, Cup-bearer to the Duke of York, afterwards King James II.

² This is to be understood of the ordinary garrison, extraordinary and contingent charges being born by the Crown.

³ In Memorand. Scaccarii de an. 5. Regis Edw. 3. inter Brevia, &c.—Rex Thefaurariis & Baronibus fuis de Scaccario, falutem. Mandamus vobis quod dilecto & fideli nostro Johanni des Roches, nuper Custodi Infularum

Thomas de Hampton, in the same reign, were charged each with five hundred marks. The last that had it with these deductions, was Sir Thomas Jermyn, charged with three hundred pounds. But this management was not constantly the same. For Philip de Aubigny, Drogo de Barentin, Otto de Grandison, &c. in the times of King John, Henry III. Edward I. &c. enjoyed all the profits, as the governors do at present, fine computo. So did those sons and brothers of our Kings, mentioned before, who seem to have had the entire regalities of the islands given up to them in the amplest manner; therefore not improperly called Domini Infularum, i. e. Lords of the islands. See the grant to the Duke of Bedford, brother of Henry V. in the Appendix, Numb. IV.

The power of the governors has likewise been greater or less, as their commission has at different times been either enlarged or restrained. Anciently the governor was a person of a mixt power. I mean that he had the administration of both the civil and military authority. He was judge as well as governor; had the disposal of all places in court, church, and garrison. Which mixt power the title given him of Bailly [Ballivus] was construed to imply and declare. For though the word bailly does now sound low and mean, and in an English reader raises no great idea of a person in that employment, yet in former days the said employment was very highly and very honourably accounted of, and is so still by the French, among whom we are to seek for the meaning and acceptation of names of office now or heretofore used in this island. Ballivus (saysthe learned Spelman) apud Gallos splendidus magistratus est. Apudnos [Anglos] honestioris sape note, sed plerunque minister insimus. And because in France (where the provinces

fularum nostrarum de Jeresey, Gerneseye, Serk, & Aureney, quadraginta Libras per annum, pro seodo suo, de tempore quo Custodiam Insularum earundem ex Commissione nostra habuit, in Compoto suo ad Scaccarium, prædictum allocari faciatis. T. meipso apud Westm. 22. die Decemb. an. Regni nostri 4.

Ballivi.

are generally divided into Balliages and Seneschausées, jurisdictions well nigh the same) the bailly fits on the feat of judgment, not in a gown, after the manner of other judges, but with his sword by his side, therefore he is said to be un Magistrate de l'Epée, i. e. a magistrate of the sword. Such a magistrate was the governor here, trusted both with the military and the civil fword; thence also called Custos, i. e. warden or guardian, as being both Custos Terræ, and Custos Legem, i. e. guardian of the land, and guardian of the laws. In process of time he reserved the exercise of the military part alone to himfelf, transferring the judicial to another, who thereby gained possession of the title of bailly, while he himself retained the sense and meaning of the word in the name of Custos, or warden. Thus, that office which at first was but one, became two; yet so as he who had the judicial part, and was now called the bailly, was still a dependant and creature of the other. So were the other ministers of justice. Which was a great obstruction to a free course of it, since they must be at the beck and devotion of him from whom they derived their power. King John began, and King Henry VII. completed the establishment of a jurisdiction wholly independent from the governor; the latter taking away from him the nomination of the bailly, and of the other officers of the court, as has been faid more than once before; and absolutely forbidding him in any wife or by any means to interpose in matters that were of the cognizance of the civil tribunal 1. But though the governor has no proper jurisdiction, yet, in regard of his dignity, his presence is often required in court, and is in some fort necessary for the paffing of some acts there; namely, such as concern the King's service, the maintenance of the public peace, the fafety and good government of the island. He has the court under his protection, being obliged to affift the bailly and jurats with his authority in the execution of their judgments. He has power, with the concurrence of two of the jurats, to arrest and imprison any inhabitant upon vehement suspicion of treason. No inhabitant may go out of the island, no foreigner may sojourn or settle in it, without his knowledge and privity. No Convention of the States can be held, nor any matter therein transacted, without his consent; but this with some restrictions, of which more hereafter. On the other hand, at his admission, and before he can do any act of government, he must produce his patent or commission in court, and must swear to maintain the liberties and privileges of the island. See his oath in the Appendix, Numb. V.

Ballivi dicii, quibus justitize in Provinciis, & majoribus Civitatibus, administrandæ cura a Principe demandata erat——ji Comitum vicem subiere, qui, primă & secundă Regum nostrorum stante stirpe, id muneris obibant quod postmodum Ballivi.——Ex ordine Militum seligebantur Ballivi, &c.

Ordin. Art. VII.

His more peculiar and immediate province is the custody of his Majesty's castles, with the command of the garrison, and of the militia of the country, which last he models and regulates at his pleasure.

Elizabeth Castle is now, what Mont-Orgueil was heretofore, the principal fortress of the island; as confiderable for natural strength, extent of fortifications, and all the necessary furniture and appendages of a garrison, as any England has to boast of at home or abroad; with us vulgarly called le Château de l'Islet, or fimply l'Islet [q. d. Insuletta] because standing on a small island, and taking up its whole circuit, little less than a This castle is not the work of one time, nor of one reign, as the preceding hiftory shews. The first design of it was laid in 1551, the fifth of Edward VI. in pursuance whereof all the bells in the ifland', referving only one to every church, were ordered to be taken down, and fold, for defraying part of the charge. In 1586 and the years following, under the long regency of the Paulets, the Upper Ward, which properly is Queen-Elizabeth's Castle, was built; every house in the island contributing four days work to it. The Lower Ward is King Charles the First's Castle, begun 1626. Charles-Fort was added during the troubles. Last of all, the green was walled in on the menaces of the French in the war of 1665. All which particulars having been mentioned before, need no farther enlargement. A regular fortification, in the firich fense of the word, it is not, neither could be, by reason of the necessity of following the flexures and finuofities of the ground, in order to take it all in, and leave nothing without for an enemy to fet his foot upon. From the nearest land whence it may be battered, as it was by the rebels in 1651, after a breach made (if a sufficient breach can be made at so great a distance) the affailants must wait the fall of the tide, then march three quarters of a mile over the fands ere they come to the foot of the walls, exposed all the while to all the fire from thence, and carry their point in a few hours, or be overwhelmed by the flowing back of the sea. So that if there be a place impregnable by its fituation, one might prefume this to be fuch. If its being taken by the rebels be objected, I refer to the relation given above of that matter. But the shortest answer is, that 'is now in quite another state and condition of defence than it was at that time. Much has been done to it fince, and much is doing daily; the Honourable Board of Ordnance, apprized of its importance, allowing very liberally, not only for necessary repairs, but likewise for all fitting improvements.

It has been reported, that the ship which was carrying the bells to St. Malo for fale, funk suddenly going out of the harbour, and some have ventured to call that accident a punishment on facrilege.

I wish I could give the same account of Mont-Orgueil, so samed in our old story, and of an antiquity beyond our earliest records. But that noble castle, under whose walls the French have so often digged their graves, has much lost of its reputation, through the unhappy neighbourhood of a hill somewhat overawing the rampart; an inconvenience less regarded in former days, by reason of the wide and deep vale interposing betwixt the hill and the castle, which hindered approaches. 'Tis now in a manner slighted, and considered as indefensible. And yet that great soldier, Sir Thomas-Morgan, did not judge it altogether so. All his time it was kept well manned, and in good order. But possibly our superiors may think it needless to maintain two grands fortresses in so small an island, and in that case there can be no dispute which of the two ought to have the preference. The castle stands (and will long stand, unless purposely demolished) on its own strength and sirmness, and under its disgrace retains an air of greatness that strikes the eye.

The Fort of St. Aubin (otherwise called la Tour, because formerly no other than a great tower on a rock, but now fortified with bastions planted with cannon) is of good use for clearing the road, and protecting the ships within the pier; into which last nothing can pass but by the permission, and under the guns, of the said fort.

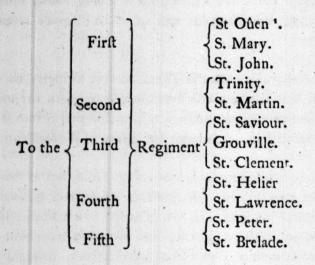
These places are garrisoned from England, not always alike, but as the interchanges of security or danger make it expedient. At present, a season of general tranquillity, we have only five companies of invalids. In worse times, it has been usual to allow to Jersey and Guernsey jointly one entire regiment, viz. to each a battalion. Sir Thomas Morgan coming to the government at a particular conjuncture, brought us a gallant troop of horse, but none have been sent hither since.

Concerning the militia, one is not to frame a notion of them from the country-trained bands in England, to whom they are in nothing like. They more refemble regular forces, both in habit and use of their arms. Tis a maxim with us, that every man of competent age, whether rich or poor, gentleman or peasant, owes duty in person; so that all here are soldiers, with this difference only, that the better fort bear the commissions, and are made leaders to the rest.

This militia confifts of two troops of horse-guards, five regiments of foot, and a train of artillery.

Our want of good horses for the saddle has been taken notice of before. 'Tis not amis therefore that we can mount two such troops.

The foot, before Sir Thomas Morgan, were all independant companies, and one only to a parish, consequently over large and unwieldy. Having divided them, and of one made two or more, he formed them into three regiments, all in red coats, the martial livery of England. Succeeding governors have improved upon his plan, and by multiplying the companies have increased the regiments from three to five. As the companies are levied by Vintaines, so are the regiments by parishes, whereof two go to make a regiment, sometimes three, for the sake of equality, according to this scheme.



These regiments have their particular colonels, lieutenant-colonels, majors, &c. with a company of fuziliers to each, pickt and chosen men. But how two country parishes, of no very great compass, should be able to furnish and set out one whole regiment, is what (I believe) will surprize and assonish the reader.

Five and twenty field-pieces of brass, mounted on carriages, with proper tumbrels for the ammunition, make up the train of artillery; commanded by a colonel, two majors, twelve captains and lieutenants, with a sufficient number of gunners and pioneers. These pieces are kept in the churches of the parishes to which they respec-

tively

The honour of the right is given to St. Ouen, in respect to the Seigneur of that name, who always used to be colonel.

tively belong, and by which they are maintained, ready to be drawn out for service to any part of the island at a minute's warning.

Of all these forces there is a general review once a year on the xxixth of May, in honour of the happy restoration; and the place for it is the fine sandy bay betwixt the two towns of St. Helier and St. Aubin, the line having in front Elizabeth Castle and the sea. When thus drawn up, the horse on the wings, the infantry in the center, the artillery conveniently posted, and the governor as general at the head of all, giving his orders by his adjutants, such a body makes no contemptible appearance; and being unanimous in their affection to England, and hatred of a French dominion, would, its presumed, behave not ill on a day of action. As for particular reviews by companies and regiments, to exercise and discipline the men, they are frequent, and in time of war almost weekly.

Moreover for the fafety of the coast round the island, in places accessible to an enemy, there are guard-houses built, and batteries erected with one and fifty eighteen-pounders thereon, given by his Majesty King William out of his stores in the year 1692; and each battery has its particular captain, gunners, &c. under the direction of the colonel and majors of the train.

No mention has yet been made of the lieutenant-governor, nor indeed had we any properly such till of late years, that is to say, one of the King's own appointment, and in the pay of the crown. He is instead of those deputies and commandants who had but a secondary and delegated authority, and whose perquisites arose from the profits of the government. This officer seems created on purpose to supply the now customary non-residence of the governors, and is therefore supposed to be always present upon the place.

CHAP. IV.

CIVIL JURISDICTION.

AS the power of arms and military command is in the governor, or lieutenant-governor, so the facred trust of administering justice, and protecting men in their civil rights. is in the bailly and twelve jurats. These constitute our magistracy, of which the bailly is the head. He holds immediately from the king, whom he represents in court; and there, in token of his independance, has his feat raifed above that of the governor'. The jurats are his affesfors, not made like him by the king, but elected by the people. They are of King John's institution, who seeing justice dispensed here summarily and arbitrarily, by one who had the two fwords in his hand, affifted only by the francs tenans, or principal freeholders, following their opinions no farther than he lifted, and holding pleas no oftner than thrice a year, found it necessary, in lieu of affistants of fo little weight and fignificancy, to establish twelve stated and permanent judges, to fit with the governor, and have fuch check upon him, as that without their confent and concurrence he should be able to do no judicial act of any force 2. And when he, the said governor, withdrew from meddling in matters of contentious jurisdiction, and turned those over, with the name of bailly, to another (as is faid in the last chapter) the same trust with respect to the bailly, remained in the jurats, and so continues to this time.

These twelve it pleased the king, in the charter of their erection, to dignify with the title of coronatores jurati 3; meaning thereby to have them partake of the power of two

This precedency in the court was a point much disputed betwixt Sir John Peyton and the bailly Heraut, by King James I. and his council adjuded to the latter. Every where out of court the governor precedes.

And yet fo long as the governor retained the nomination of the bailly, and of the ministerial officers of the court, as the procurator, &c. he still had no small influence over what passed there, which was remedied by Henry VII.

² Conslit. dom. Johan. Regis. Art. I. Conslituit duodecim ceronatores juratos, ad placita, et jura spectantia ad coronam custodienda.

forts of offices, viz. the coroners in England, and the jurats in Gascony; for here I take coronatores jurati to be a compound of two substantives, which is not unusual. The coroner is an officer unknown in France, but apud nos [Anglos] says Sir Henry Spelman', Officialis pervetustus est, ad tuendam pacem, et dignitatem regiam, in quovis comitatu, populi suffragiis constitutus, &c. After the same manner speaks Lord Chief Justice Coke', This office, says he, in ancient times was of great estimation, for none could have it under the degree of a knight.—How it fell from that estimation does not concern us, those twelve being instituted when it was in full credit and power. As for the name of jutats, it's original is from Gascony, that part of France which King John affectioned most, and where he maintained himself longest. And this is the name that adheres to our magistrates, that of coroners being dropt, and no longer mentioned. For thus all orders from the sovereign run at present, To our trusty and well-beloved, the bailly and jurats of our island of Jersey. In the language of the country 'tis jurêz, but among the people they are more commonly stiled justiciers.

Their business being not only to give hearing to litigants, and decide controversies of meum and tuum, as in most other judicatories, but also to enforce on all persons a general obedience to the laws, to watch over the public tranquility, in a word, to extend their care to every thing whatsoever conducing to good order and polity; they seem not unlike those twelve Nomoguakes in some Grecian Commonwealths, of whom we read in ancient authors. Nor has any other magistracy, that I know, so enlarged a jurisdiction; those manifold powers being united in them, which elsewhere are divided and parcelled out among judges and officers of various denominations.

As coroners (though the name be disused) they are of popular election. The constitutions will have them chosen per aptimates patria *, which excludes from being electors men of no substance or interest in the country. I am forry to say the practice now-adays runs too much to the contrary, whereby a great deal of abuse and corruption has crept into those elections, and perhaps no evil amongst us calls louder for redress. However it be, the manner of chusing a jurat in Jersey is this. On the death of any of them (and rarely otherwise than by death does a vacancy happen, by reason the office is for

¹ Gloffar. in voce coronator.

¹ Institut. Part IV. Cap. LIX .- See also Statut. an. 3 Ed. I. cap. 10.

Aristot. Polit. Lib. VI. Cicero de Leg. Lib. III. §. 20, Columel. Lib. XII. cap. 1.

^{*} Art. III.

arch ations

Sunday, and appointing one of their own body, or some other proper person, to collect in every parish the suffrages of the people. The writ is delivered to the minister, who after divine service reads it from the pulpit, and in sew words (if he sees sit) recommends to the affembly the choice of such an one, whom, for his knowledge and abilities, his integrity and love of justice, his zeal for the established religion and government, and the like, they deem most worthy, and best qualified for the place. The people give their votes one by one as they go out at the church door, and he who has the majority throughout the island is declared duly elected. Mr. Camden seems to have understood that each parish must have its particular jurat, because the number of both is the same, viz. XII. But that is no rule with us. It often happens that a parish has none, whilst another has two or more. And be it noted, that 'tis not for the sake of a salary that this office is ambitioned, for there is none at all belonging to it. What is chiefly fought in it, is rank and distinction, with the privilege it gives gentlemen of having their own private suits in court more readily dispatched.

Tis not necessary that all the twelve should assist on every occasion. Many accidents would render the same impracticable. One fort of business may be done by a less, whilst another requires the presence of a greater number; and a cause heard by a sew, may be brought on again before a corps de cour, that is, before seven, presumed equipollent to a sull body. But without the bailly (or his lieutenant) there can be no proceedings of any kind. He is the mouth and organ of the court. He presides in all the debates, sums up the opinions, and pronounces sentence; yet has no deliberative voice himself, unless when, upon an equal division of the bench, he throws his weight into one scale to end the matter. But in case of a majority, he is bound to follow it; which hinders not his acting with less controul in other affairs of daily occurrence. For after all, the dignity and prerogatives of his place are very great, and command respect.

The whole authority of public judgments refiding thus in the bailly and jurats, there go next to constitute the court divers ministerial offices under them; as, le Procureur du Roy, or Attorney General; l'Avocat du Roy, or Sollicitor General; le Viconte, or High Sheriff; le Greffier, or Clerk, who has the custody of the Rolls and Records; fix Pleaders or Sollicitors at the bar, stiled Avocats du Barreau; two Under Sheriffs, called Denonciateurs, because 'tis their part to publish the injunctions of the Court; and lastly, l'Huissier, or Usher, a necessary attendant for the preserving of order. To whom let me add (though not properly a member of the court) l'Enregistreur, or

Keeper

Keeper of the Register for Hereditary Contracts; which having first passed 'the view of the magistrate, must next, on pain of nullity, be brought to this officer to have an entry made of them, whereto all men may have recourse, no secret and unregistered sale of lands or rents being of any validity in this island. All which employments now named (saving the three first, held by patent) are at the disposal of the bailly.

The court thus composed, and every person belonging to it, from the bailly to the lowest officer, sworn to a diligent and faithful discharge of the duty of his post; the court, I fay, thus composed, is a royal court, having cognizance of all pleas, fuits, and actions, whether real, personal, mixt, or criminal, arising within the island; the case of treason only excepted, and some other matters of too high a nature * reserved to the King and the Lords of his Majesty's most honourable Privy Council, to whome alone this court is immediately subordinate. Nor have the courts of Westminster ought to do with us, or may any way intermeddle with our affairs, though otherwise we greatly reverence them, as acting under the fame royal name and authority. The truth is, we were never subject to those courts, no not before King John's days, the founder of the present power and jurisdiction within ourselves. The governor held the pleas, as has been faid, and in extraordinary cases resort was had to Normandy, but never to England. In after-time, contentious persons not acquiescing in the determination of the magistrates here, sued for evocations at Westminster, which were too easily granted, and writs came over daily to fummon people thither, till vexations grew fo great, and complaints fo loud, that a remedy was obtained in the beginning of the reign of Edward III. And accordingly when towards the end of the fame reign, an attempt was renewed to bring a matter of trespass from the island into the King's Bench, the Court would not admit it, and decreed thus, Quia negotium prædictum in curid bic terminari non potest, eò quod juratores insulæ prædictæ coram justiciariis bic venire non possunt, nec de jure debent, nec aliqua negotia, de iusula prædicta emergentia, non debent terminari nifi secundum consuetudinem insulæ prædictæ; ideo totum recordum nogotii mittatur in cancellariam domini regis, ut indè fint commissio Domini regis, cui vel quibus Domino regi placuerit, ad negotium prædictum in iufula prædicta audiendum et terminandum, secundum consuctudinem insulæ prædista. Hence the great lawyer from whom I have transcribed this record, owns that

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Thence called Paffemens.

^{*} Cafus nimis ardui. Constitut. Art. V.

³ Mich. 42. E. 3.

⁴ Coke, Instit. Part IV. Cap. 70.

the king's writ runneth not into these isses, the like exemption belonging to them all. For which another eminent man of the same profession is gives these two reasons; 1. because, says he, the courts there [in the islands] and those here [at Westminster] go not by the same rule, method, or order of law; 2. because those islands, though they are parcel of the dominion of the crown of England, yet they are not parcel of the realm of England, nor indeed ever were: but were anciently parcel of the dutchy of Normandy, and are those remains thereof which all the power of the crown and kingdom of France have not been able to wrest from England.

But though the king's writ runneth not into these isses, the same great lawyer observes from the foresaid record, that his majesty's commission under the great seal doth 2, which we readily acknowledge, there being divers instances of such commissions issued forth both in former and latter days, yet always upon urgent and uncommon emergencies. And the commissioners have been generally taken from the chancery, or have been otherwise men versed and knowing in the civil law, the service being thought to require persons so qualified. Their coming suspends the ordinary forms of justice; but first they must exhibit their commission in court, and have it there enrolled; and then they can in no case concerning life, liberty, or estate, determine any thing contrary to the advice of the jurats, who are to sit, opine, and make conjunctive records of their proceedings with them; and lastly, they must judge according to the laws and customs of the isles.

Even acts of Parliament do not bind us, unless we be therein specially named 3. And when such acts are to be notified to us, they come accompanied with an order of council, to give them sanction and currency here.

Courts of justice are supposed liable to err sometimes in their judgments, and thereon is sounded the liberty of appeals. Here, a decision by sewer jurars on the bench may be reviewed in a larger assembly, as has been already noted. But if after that, the party really or pretendly aggrieved still declines submission to the court, and will needs pursue the matter farther, his recourse must be directly to king and council, under the sollowing regulations, viz. That no appeal for moveable goods, or personal estate, be allowed, unless such estate be of the value of three hundred livres tournois; nor for inhe-

^{*} History and Analysis of the Common Law of England, written by a learned hand [viz. Lord Chief Justice Hale] published an. 1713. chap. ix.

[&]quot; Ut fup.

³ Idem ut fup.

ritances, or real estates, unless of the value of five livres tournois per annum. If the court denies to allow of the appeal, then it becomes a doleance; concerning which, 'tis likewise ordered, That doleances being of an odious nature, as intended principally against the judges, whose honour is to be maintained for the sake of justice, in case the complainant shall not make good his doleance, his majesty by the advice of his council, will lay such fine upon the party sailing, as the case shall require?

Nothing has been represented more to our disadvantage, and has done us greater discredit, than the frequency of those appeals and doleances, and their being for the most part about interests comparatively of little moment. Pudet hac opprobria nobis——It would indeed be happy, if every sentence in the island were so weighed, and well considered, as to stand the test, and never need being reversed, when brought under examination in England. This would effectually discourage litigious persons from importuning the honourable board, and raising a clamour against the justice of their country. At the same time, God forbid that the poorest man in the island should not be heard, and have right done him, (where only he can apply for it) when oppressed by a wrong judgment.

In criminal causes there lies no appeal. But in regard that our laws did not explicitly distinguish between man-slaughter and wilful murder, and both were equally capital, it was sometime ago provided by a rule from above, that where there does not evidently appear propense and deliberate malice, the court shall not proceed to sentence till the fact be laid before his majesty, and his pleasure known. Praised be God, there has been very little occasion for that, or for animadverting on other crimes punishable with death. A public execution is not seen here in many years.

Whereupon I cannot but add this remark, that the case of treason, excepted from the cognizance of the bailly and jurats, affords no instance, and is a crime utterly unknown and unheard of, amongst us. True it is, that during the bloody quarrel betwixt the houses of York and Lancaster, two gentlemen who had some concern in this island, came unhappily under the imputation thereof. One was Jeffrey Wallis, Seigneur de St. Germain, a Lancastrian, and retainer of the great Earl of Warwick, with whom he

Rules and Orders for administration of Justice, given at the Court at Whitehall, May 19, 1671.

Art. XIV.

² Ibid. Art. XV.

fell at the battle of Barnet, fighting against Edward IV, for which his memory was attainted, and his estate seized. The other was Sir Richard Harliston, once governor of this island, where also he had made some purchases, a Yorkist, deluded into a desection from Henry VII. which caused his ruin. They were neither of them properly of the island, so that nothing they did, or suffered, can be charged to our account, and bring a reproach upon us.

To return to the court; though there is but one tribunal, and the judges always the fame persons, yet by reason of the great variety and diversity of causes, some requiring one method of proceeding, some another, some more some less considerable, the court is necessitated to assume sour distinct characters or denominations; and as it alternately acts under them, is called, either la Cour d'Heritage, or la Cour de Catel, or la Cour du Billet, or lassly, la Cour du Samedy; of each of which something must be said.

La Cour d'Heritage, the first and most solemn of the sour, is so named, for that it admits of none but hereditary matters to be treated and discussed in it; as partitions of estates betwixt co-heirs, differences among neighbours about bounds, new disseisns and intrusions on other men's lands, pre-emptions between kindred which we call retrait lignager [retractus consanguineorum, and jus protimescos] the property of rents due for tenements or lands let in see farm [reditus fundiarius] and other things of the like nature, The opening of this court, on the first day of it, which is usually a Thursday, is with a great deal of circumstance and formality. The governor, the bailly (or their lieutenants) and the jurats, enter the Cohue with the royal mace carried before them, and surrounded by a guard armed with pertuisans. The bench must be full that day, nothing but real sickness, or absence from the island, being allowed in excuse for a jurat who does not then appear in his place. Seven is the least number required to keep the court. All gentlemen, holding siefs of the crown by that service called in Records Secta Curiæ, must be there aiso, and answer to their names, or be fined. Some of those fiefs being in the king's hands, the governor answers for his majesty. The advo-

^{&#}x27; To preserve inheritances in families, the next of kin has a right of pre-emption, in case of any sale; or may redeem what is sold, by returning the money to the purchaser.

A Rente Fonciere is a rent constituted on some certain particular fund, be it house or land; so that into whatever hand the fund happens to fall, either by succession or acquisition, the possessor stands charged for ever with the payment of the rent.

cates renew their oaths. The provosts and serjeants, who are inferior officers belonging to the revenue, attend to give an account of all escheats, forseitures, and other casual profits and emoluments accrued to the crown, if any such there be. There likewise political ordinances, made for the good government of the people, are confirmed and continued, or if need be, abrogated, and new ones made. Against the rising of the court there is a handsome entertainment provided by the king's receiver, where, besides the governor and members of the court, those gentlemen aforementioned holding siefs of the crown, have right to sit, and are therefore said in the Extent and other records, edere cum rege ter in anno, i. e. to eat with the king thrice a year. 'Tis said thrice a year, because we have so many terms, and this court is the opening of every term. After the first day, spent mostly in preliminaries and matters of form, the court goes upon business every Tuesday and Thursday following, till the end of the term, the twelve jurats assisting by turns, three at least at a time.

La Cour de Catel is (as the name imports) for deciding disputes about chattels, moveables, and arrears of rents: For as at heritage rents are fued for without relation to arrears, so here the same are sued for with reference only to those arrears, and may be so as far back as thirty-nine years. But the great business of this court is the adjudication of decrees. Now a decree with us is this: When a man has fo involved himself in debt, as to be unable to fatisfy his creditors, and is quite born down with profecutions, he publicly makes cession of his estate, which we call renoncer, i. e. to renounce, and the estate is then said to be en decret, i. e. subjected to a decree. Whereupon all persons interested, are by three proclamations, and a fourth peremptory, cited to come in, and infert in a lift or roll, kept open for that purpose, their several demands, on pain of exclusion. After this, they are called in order, that is to fay, the last creditor first, and so on retrograding. The last creditor is asked by the judge, whether he will substitute, and put himself in the place of the cessionary, and take the estate, paying the debts that are of an older date than his, or give up his demand. If he affents to the substitution, the decree is at an end, and the estate is adjudged to him. If, on the contrary, he fays that he will rather lose his debt than take the estate on such condition, the judge proceeds to him that stands next in order of time, and so on retrograding still, and propounding the same question to all, till so many have renounced and quitted, that the encumbered estate being pretty well eased, some one be found who may with little or no loss venture upon it, answering for the debts that remain unrenounced; and of such an one it is said qu'il se fait tenant, i. e. that he makes or declares himself tenant. It has been observed that more of those debts are for arrears of rents, than for money due upon bond. A few years run of those unpaid, will soon eat

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out a small estate overcharged with them. And concerning bonds, 'tis likewise observable, that here they are not merely personal, as in England, but real, and carry an express hypotheca or mortgage on all possessions, moveable and immoveable, of the debtor; so that a decreted estate is no less affected by them than by any other demand upon it. This is our way of sharing a broken estate among creditors, wherein, instead of saring all alike, as in a case of bankruptcy, the oldest creditors have a vast advantage over the rest. How far this is agreeable to equity, I shall not interpose my opinion. At this court also, and usually on the first day of it, criminals and malefactors, if there be any such, take their trial; proclamation being made before, that justice royale, that is to say, the pleas of the crown, will be held that day; whereat seven jurats at least must be present, if the crime be capital; otherwise three suffice for the ordinary pleas of catel.

La Cour du Billet is an extraordinary court, first set up subsidiarily, when decrees grew so frequent, and took up so much time, as hardly to leave room for other business. Whereupon matters of less moment, as arrests, distrains, suits for arrears of rents not exceeding ten years, and the like, were removed and transferred to this new court; which is therefore named le Billet, because all causes brought into it are heard in order, as they are set down in a billet or scroll affixed to the court-gate, whereby all persons concerned, inspecting that scroll, may know almost within an hour when they shall be called, without losing their time in fruitless expectation and attendance.

Lastly, La Cour du Samedy, or Saturday-Court, is another extraordinary and subsidiary court, and properly but a branch of the former. In term-time, it is appointed principally for the King's causes', and those of the jurats, which are privileged, and not tied to the common rule of billet: out of term, for causes of brevity, which will suffer no delay, as causes relating to navigation and sea affairs, contracts betwixt merchants, breaches of the peace, and other daily occurrences that require no solemnity, but may be dispatched de plano. And note, that when sentence has been pronounced at Heritage or Catel (the two antient ordinary courts) before less than five jurats; or at the extraordinary courts before less than three (for moveables of the value of fifty livres tournois and upwards) the party aggrieved may appeal before the body of the court, consisting of seven at least; provided it be at the charge of the appellant, paying three livres tournois to the judge, one to each jurat, the like to the procurator, Viscount,

That is, the Receiver's causes, suing for rents due to the King, which by his Majesty are allowed to the Governor, of whom the Receiver sarms them.

Greffier, and advocate in the cause. Which I mention on purpose to shew how moderate the sees of the law are with us, when a re-hearing may be had before the whole court at the small cost of about twenty shillings English money. They are the same, or rather yet lower, in all other cases and instances; so that I make no doubt but more money is given in Westminster-Hall, in one great cause only, than all our advocates together get for their pleadings in a twelvementh. Tis some comfort to a people, who are not rich, that they can have justice without ruining themselves in the pursuit of it.

These courts, (except the Saturday-Court, held or intermitted as there is occasion) have their proper times and feafons for fitting. But instead of four, as in England, we have only three terms. The first begins always the Thursday immediatley before Michaelmas-day, and is respited during the whole month of November, that people may attend to fow their wheat 2, and gather in their fruit for making of cyder. The fecond begins the next Thursday after St. Maurus his day, January 15, and is very short, for it shuts up early in February, that being the time for cutting the wintervraic, and spreading it on the land; a laborious but most necessary work, for 'tis in effect fetching bread out of the sea. That, together with turning up and preparing the ground for the fummer corn, employs all hands in March and part of April. The third and last begins the Thursday next after St. George's-day, and continues till midfummer, when the long vacation follows, in which there is no pleading, unless some causes, that could not be dispatched during the term, be put off to the first or second week in September, harvest being then over; and these causes will sometimes take up the remainder of that month, till Michaelmas-term begins the round again. This account of the terms shews they were not hit upon by chance, but with great wifdom and defign calculated for the ease and convenience of the people, and the manner of living in this island. They intrench as little as possible on any business of necessary and general concern. Where it is otherwise, justice loses its name, and turns to oppression.

And now leaving these different denominations the court at times goes under, we must return to consider it as but one, and speak of the laws which are to be the rule and measure of its judgments. But surely none will expect I should enter into a detail

^{*} Rules and Orders of May 19, 1671. Art. XIII.

² Corn here does not lie in the ground fo long as in England, being fown later, and reaped fooner.

of those laws, though it has been often wished that a collection were made of them, and in it the several particulars distinctly noted wherein they vary from the laws of England. Such a work, done by an able hand, would be of good use, in regard that not only all causes and suits within the island, whether by the ordinary judges, or extraordinary commissioners from England, but appeals also before the Council-Board, are to be determined secundum Leges et Consuetudines Insulæ; which laws and customs being little known out of the island, 'tis scarce possible but judgment must sometimes be given contrary to the same. Peradventure there may arise hereafter some worthy person equal to that task. 'Tis enough for me to observe in gross that our laws may be reduced under these four heads:

- r. The antient custom of Normandy, as it stood before the alienation of that dutchy in the time of King John, and was contained in an old book, called in the rolls of the itinerant judges, la Somme de Mançel, that is, Mancel's institutes 1. For whatever changes have fince that time been introduced into the said custom by French Kings, or French Parliaments, they can be of no force here. This is to us what the statute-law is in England.
- 2. Municipal and local usages, which are our unwritten and traditionary law, like the common law in England.
- 3. Constitutions and ordinances 2, made by our Kings, or their commissioners impowered thereunto under the Broad Seal; together with such rules and orders as are from time to time transmitted to us from the Council Board.
- 4. Precedents, and former judgments recorded in the rolls of the court. These last indeed cannot in strict and proper sense be said to be laws, wanting the royal authority, without which nothing can be law. Nevertheless great regard is had to them in similar cases. The same may be said of such political regulations as are made by the court, or the assembly of the states, like those set forth by other bodies corporate for the good of those societies.

^{&#}x27;It was never my good fortune to meet with this antient book, nor perhaps is it now extant. The Grand Custumier, set forth by Rouillé, and printed at Rouen in Gothic characters, an. 1539, is the freest from French innovations. Terrien is next. Berault and Basnage are too modern.

As those of Henry VII. Queen Elizabeth, &c.

Which political regulations put me in mind of those officers to whom the execution of them is committed in every parish throughout the island. The chief is the constable, an officer of incomparably better account and repute with us than in England, as being always one of the most distinguished persons in the parish for estate and other proper qualifications, and chosen by the votes of the people in like manner as a jurat is chosen. The office is triennial, but some continue in it longer, and to those who discharge it with honour it is a step to the magistracy, there being few on the bench that have not first passed through that employment, as a fort of probation, before they mounted higher. The faid conflable has entrance into the states (of which in the next chapter) where he represents his parish, and takes care of its interests. Next under him are two centeniers, in the nature of his substitutes or lieutenants, to take his place, and act in his stead, in case of disability by fickness or otherwise. He has besides twelve, or more, principal housholders for his affistants, sworn to be always ready at his call when the public service requires it, thence termed Sermentés, or Officiers du Connètable. Add to these a vintenier over every particular vintaine. By the vigilance of these officers, peace and order are maintained in the parish, lesser offenders are checked and corrected, greater criminals are apprehended and brought to justice, public rates (when needful) are levied with equality, and all other things are done which are found conducing to the good government of the community. In every parish-assembly, if it be for fecular affairs, the constable presides, though a jurat be present; if for matters relating to the church, 'tis the minister.

Speaking of the bailly, it has been omitted, that he is the Keeper of the Public Seal, yet so that he cannot use it unless assisted by three jurats. It is kept in a purse, scaled with the private seals of the three jurats who were at the last opening. When occasion calls next, the bailly delivers the purse into the hands of the then assisting jurats, who finding the seals intire, break them open, and having done with the public one, put it up again into the purse, sealed as before, and return the same to the bailly, or his lieutenant. This seal, with the right and power of using it for confirming contracts, and other purposes, was given us by Edward I. and from the antiquity of the characters in the inscription thereon, seems to be the very same numerical seal we received from that great King more than four hundred and sifty years ago, so carefully and religiously has it been preserved. See the grant of it in the Appendix, Numb. VI.

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The Judgment-Hall where the court fits, is called la Cobue Royale, and stands in the town of St. Helier. 'Tis a large and handsome fabrick, faced with Mont-mado stone, and fronting the market-place. The court fits below, and above are spacious chambers for laying up the records, for occasional conferences, and for the entertainment which the King's receiver makes on the first day of the Cour d'Heritage.

CHAP V.

CONVENTION OF THE STATES.

THIS is properly a general council of the island, wherein every inhabitant is supposed present, either personally, or by representation. And as there may be a likeness of polity and government, where none is pretended of dignity or power, the name of States ought not to offend, because assumed in imitation of more august assemblies. The Earl of Clarendon indeed at his being in Jersey, hearing of a meeting of the States, expressed some surprize at our use of the word, but sound no impropriety in it, when he became acquainted with our constitution. For many ages past we have been in possession of this honour, nor has the crown ever denied to receive deputations and addresses from us in the name of the States of his Majesty's Island of Jersey, the customary stile on those occasions. It will not therefore (I hope) be thought too great a presumption to say, that this Convention is an image and resemblance of an English parliament, a picture of it in miniature. It is composed of the Jurats, or Court of Justice, as the first and noblest body; of the Clergy, as the second; and of the Constables,

Cohue is an old French word, fignifying in general the place where justice is administered, especially in Balliages, and the like jurisdictions. "Que les Bailliss et Vicontes soient diligens d'aller en Cohue dedans prime le premier jour de leur auditoire, et aux autres jours subsequens continuellement dedans sept heures de matin, et dedans deux heures de relevée, afin que le peuple puisse estre mieulx et plus tost expedié." Ordonnances faictes en l'Eschiquier de Normandie, l'an 1383. ¡Voyéz Grand Coustumier, en la Chartre aux Normands, fol. xxvi. verso. In the modern French, it denotes a tumultuary assembly of people, talking together loud, and in consusion.

as the representatives of their parishes, by whose votes those communities are bound and concluded; the King's Procurator, the Viscount, and the King's Advocate, though they represent no estate, being also admitted propter dignitatem. This Convention cannot be held but by the consent of the governor, or of his lieutenant, who has a negative voice therein, as the parliament cannot meet but at the pleasure of the King, nor pass any thing into law without his royal affent. The Bailly, or his lieutenant, is the standing prolocutor in these affemblies, as the Lord High Chancellor and the Speaker are in the House of Peers and House of Commons. As there, so here, every member present has voice deliberative. No States can be held without seven of each body, at the least; and in case of absence, he whose excuse is not allowed, is liable to be fined. Foreigners preserved to benefices are excluded, unless naturalized; it not being thought safe or prudent to trust strangers with the secrets of the Island till they have given good proofs of their affection to the government they live under.

It is indifferent at whose motion this Convention is called; whether at the governor's, when he would propose ought for the King's service; or at the magistrates, when the interests of the island require such a public consultation. But a mutual agreement there must be, and then the day being fixed, the denunciators (who are officers of the Court) fummon the members. It has nevertheless happened, that a governor, through wantonnels of power, has in the greatest urgency of affairs, if not absolutely denied, yet delayed his confent to those meetings, beyond all reasonable time; and has put a negative upon their deliberations, when there was no manner of ground for it. This was the case under Sir John Peyton's administration, which (in conjunction with other points in dispute betwixt him and the Bailly,) created so much disturbance in the island, that the commissioners 2 were sent over to make inquiry into those matters; upon whose report, it was by his Majesty in council July 2, 1619, ordered as follows. "That if the bailly or justices shall require an affembly of the States, the governor shall not defer it above fifteen days; except he have such cause to the contrary, either in respect of the safety of the island, or our special service otherwise, as he will answer to us, or to the lords of our council; whereof he shall give as present advice, as possibly wind and weather may ferve. And concerning the governor's negative voice in the

The Court here claims and exercises a right of granting Letters of Naturalization, but those to extend a no farther than the Island. For it is not presumed they would intitle persons to the same privilege in England, where it is obtainable only by Act of Parliament.

² Sir Edward Conway, and Sir William Bird.

arch

making of ordinances, it is now also ordered, that he shall not use his negative voice, but in such points as shall concern our special interest; the rather in regard that such acts as are made in their assembly, are but provisional ordinances, and have no power or property of laws until they be confirmed by us." And this had been the standing rule ever since.

The great befiness of these meetings, is the raising of money to supply public occafions. For as in England, money cannot be raifed upon the subject but by consent of parliament; fo here, it is a received maxim, that no levies can be made upon the inhabitants, unless agreed to by their representatives affembled in common council. Nor have the States a power of themselves to create new subsidys or imposts; but only, upon extraordinary emergencies, when the fafety and defence of the island requires it, or application must be made to the King by persons sent over at the public charge, to levy what they judge fufficient for those purposes, by fixed and equal proportions according to the antient rate. In these assemblies accounts of the public receipts and expences are stated and audited; differences arising about the disposal and administration of the Church-treasuries' are examined and determined; works proposed to be done for the common benefit, are maturely weighed and confidered; deputies are appointed to carry up our grievances, and follicite our affairs at court; good and wholfome ordinances against profaners of the Lord's day, blasphemers of God's holy name, common fwearers and drunkards, and other riotous and diforderly persons, are enacted under proper penalties; and in a word, all other matters are transacted therein, as are thought most expedient to preserve the honour and reverence which is due to God and to holy things, the fidelity and obedience we all owe to his Majesty and those who act under his authority, the peace and tranquillity, the welfare and happiness of the whole island. And yet it must be confessed, that many of these things are of the competence and jurisdiction of the court. But our magistrates deem it prudential to take the advice and counsel of the States, wisely confidering that their concurrence must add force and vigour to the like fanctions.

What those are will be explained hereafter.

CHAP. VI.

PRIVILEGES.

By the grace and favour of our Kings, this island enjoys many valuable, and some uncommon privileges; and the motives assigned for granting them, are these. 1. To reward our loyalty and sidelity to the Crown of England. We have merited these privileges by our good services. 2. To engage us to be loyal and faithful still. We can have no temptation, whilst we enjoy these privileges, to wish for a change of masters. 3. To better our condition, which under the disadvantages of our situation, would otherwise be most intolerable. There would be no living in this island for English subjects, without great freedoms and immunities; which sew would envy, if they knew at what price we purchase them.

Whoso looks into our history, which is but a continued series of dangers and troubles, and considers how exposed we are to new and fresh attacks upon every incident that may at any time occasion a war, will hardly think any encouragement too great to keep in heart a people so circumstanced. Trade is the life of an island. A war destroys ours, and brings on a charge equal to a tax. A man of several hundreds a year in England, is not so high rated to the militia, as one here of but so many scores. The very poor suffer in proportion. For though their poverty exempts them from finding arms of their own, it does not excuse them from bearing the arms of others, obliged to provide and maintain a certain number. They must by frequent detachments keep watch round the coast, to prevent surprize, and repair to their colours at the sound of every alarum; whereby the labour of many days, which should subsist them and

The French armies in Flanders, when the war is there, are mostly subsisted by the southern maritim provinces of that kingdom; which send whole sleets fraught with corn, wines, brandys, &c. to be unladed at Dunkirk, or other ports thereabouts, for the use of the said armies. Those sleets, commonly of a hundred sails, or more, decline the middle of the channel, fearing to meet with English men of war; and keeping close to their own coast, pass betwixt it and these islands. As oft as they appear, and specially if a calm or contrary wind detains them at any time in sight, they unavoidably cause an alarum; because 'tis impossible for us to know, but they may be an armament equipt against us. I remember two such general alarums in one week.

their families, is lost to them. I could urge much more, but let this suffice to shew how reasonable it is, that a people that must always stand sword in hand (as I may say) ready to meet an enemy who in few hours can come upon them, should have some indulgence shewn them, and by peculiar grants and concessions, be in other respects, made as easy as their living in so ill a neighbourhood will permit. Frontier-places are usually thus savoured. To be plain, if this and the other islands are thought worth keeping, their privileges ought to remain inviolate; there being the same reasons for continuing those still, which prevailed for granting them at first.

What our privileges were under our ancient Dukes, before and after the conquest, to the time of King John, or whether we had any at all diffinct from the rest of our Fellow-Normans, cannot now be known. We claim no higher than that King's constitutions, the original of our present liberties and franchises. Succeeding Kings have enlarged and extended those constitutions farther, and seem to have vied with each other who should most testify their approbation of our conduct by additional favours. To enumerate their feveral charters, and dwell minutely on every thing therein, would be tedious. In general, by them we are declared a free people, subject to no authority but what emanates directly and immediately from the crown. 'Tis there faid, that univerfally throughout the King's dominions and territories, citrà vel ultrà mare, we shall be treated, not tanquam alienigene, i. e. as foreigners and aliens, but tanquam indigene, i. e. as native Englishmen; and this alone includes many points of great moment and importance to us in our commerce, and otherwife. Instead of entering into a deduction of them, I beg leave te refer to Queen Elizabeth's charter, in the Appendix, Numb. VII. where an inquirer will find fatisfaction. That excellent Princefs, so justly admired for the wisdom of her government, is particularly noted for dispensing her grants with a wary and sparing hand; whilst others lavish theirs out so wantonly and undiscernedly, that to be even loaded with them is no argument of merit. Such a Queen's charter therefore, fo full and fo ample, does us honour, at the same time that it confers benefits: For it shews that she distinguished us, and looked on our state and condition as deferving in a very fingular manner her royal regard and confideration.

Our exemption from parliamentary aids, is not so properly a grant or privilege, as a natural and necessary consequence of our being a peculiar of the Crown; agreeably to that saying of a great man of the law, cited once before, that though we are parcel

of the dominion of the Crown of England, yet we are not, nor ever were, parcel of the Realm of England.

In every charter from Edward IV. inclusive, and successively downwards, there is a privilege confirmed to us in common with the other islands in this tract, of so extraordinary a nature, and mentioned by writers as so great a singularity, that I cannot avoid enlarging upon it. But before I say more of it, let the reader view the same in the original. I shall for the reasons above, chuse to transcribe it from Queen Elizabeth's charter, adding a litteral translation.

-Cumque nonnulla alia privilegia, jurisdictiones, immunitates, libertates, & franchisiæ, per prædictos progenitores & prædecesfores nostros, quondam reges Angliæ, & Duces Normanniæ, ac alios, præfatæ infulæ i indulta, donata, concessa, & confirmata fuerunt; ac à tempore cujus contrarii memoria hominum non existit, infrà infulam & loca maritima prænominata inviolabiliter usitata & observata suerunt; de quibus unum est, quod tempore belli, omnium nationum mercatores, & alii, tam alienigeni quam indigeni, tam hostes quam amici, liberè, licitè, & impunè queant, & possint, dictam insulam & loca maritima, cum navibus, mercibus, & bonis fuis, tam pro evitandis tempestatibus, quam pro aliis licitis fuis negotiis inibi peragendis, adire, accedere, commeare, & frequentare; & libera commercia, negotiationes, ac rem mercatoriam ibidem exercere; ac tutò & securè commorari; inde recommeare, ac redire toties quoties, absque damno, molestia, seu hostilitate

--- And, whereas fome other privileges, jurisdictions, immunities, liberties, and franchifes, have been indulged, given, granted, and confirmed, to the aforefaid ifle ', by our forementioned progenitors and predeceffors, formerly Kings of England, and Dukes of Normandy, and others; and have, from time immemorial, been inviolably, used and observed, within the island and maritime places aforesaid; one of which is, that in time of war, the merchants of all nations, and others, as well foreigners as natives, as well enemies as friends, may, and shall be permitted freely, lawfully and without fear or danger to refort, accede to, and frequent the aforefaid ifle and maritime places, with their ships, merchandises, and goods, as well to avoid tempests, as to pursue their other lawful affairs; and there to exercise a free commerce, trade, and merchandizing; there fafely and quietly to stay and remain; and thence to return and come back at any time, without any damage,

quacunque, in rebus, mercibus, bonis, aut corporibus fuis; idque non folum infrà infulam, loca maritima prædicta, ac præcinctum eorundem, verum etiam infra fpatia undique ab eisdem distantia usque ad visum hominis, id est, quatenus visus oculi posset assequi : nos candem immunitatem, impunitatem, libertatem, ac privilegium, ac cætera omnia præmissa ultimò recitata, rata grataque habentes, ca pro nobis, hæredibus & fuccessoribus nostris, quantum in nobis est, præfatis Ballivo & Juratis, ac cæteris incolis, habitatoribus, mercatoribus, & aliis, tam hoslibus quam amicis, & corum cuilibet, per præsentes indulgemus & elargimur, authoritate nostra regià renovamus, reiteramus, & confirmamus, in tâm amplis modo & formâ prout prædicti incolæ, & habitatores insulæ prædictæ, ac prædicti indigeni & alienigeni, mercatores & alii, per anteà ufi vel gavifi fuerunt, vel uti aut gaudere debuerunt. Universis igitur & singulis magistratibus, ministris, & subditis nostris, per universum regnum nostrum Angliæ, ac cærera dominia & loca ditioni nostræ subjecta, ubilibet constitutis, per præientes denunciamus, ac firmiter injungendo præcipimus, ne hanc nostram donationem, concessionem & confirmationem, seu aliquod in eisdem expressum aut contentum, temerarie infringere, seu quovis modo violare, præsumant; et si quis ausu temerario contrà fecerit, seu attemptaverit, volumus & decernimus, quantum in nobis est, quod restituat non solum ablata aut erepta, sed quod etiam pro dampno, interesse, & ex-

moleflation, or hostility whatsoever, in their wares, merchandizes, goods, or bodies; and that not only within the island, and maritime places aforefuld, and the precincts of the fame, but also all around them, at fuch space and distance as is within man's ken, that is, as far as the eye of man can reach: we approving and allowing the faid immunity, impunity, liberty, and privilege, and all the premisses last mentioned, do, by these presents indulge, and grant the fame, for us, our heirs and fucceffors, as much as in us lies, to the faid Bailly and Jurates, and other indwellers, inhabitants, merchants, and others, as well friends as enemies, and to each of them, and by our royal authority, do renew, reiterate, and confirm the same, in as ample form and manner as the faid indwellers and inhabitants of the faid island, the faid natives and foreigners, merchants and others, have in time past used and enjoyed, or ought to have used and enjoyed them. We do therefore by these presents, charge and strictly enjoin, all and every of our magistrates, officers, and subjects, throughout our whole Realm of England, and other our dominions, and places fubject to our government, wherefoever constituted, that they do not presume rashly to infringe, or any way violate this our grant, concession, and confirmation, or any thing therein expressed or contained; and if any one dares, or attempts to do ought to the contrary, we will and command, as much as is in our power, that he not only restore the things unjustly penfis,

pensis, ad plenariam recompensam & fatisfactionem compellatur, per quæcunque Juris nostri remedia, severèque puniatur, ut regiæ nostræ potestatis, ac legum nostrarum contemptor temerarius.—

taken, but also that he be compelled, by any remedies of law, to make full amends and satisfaction for the loss, interest, and expences, and be severely punished, as a presumptuous contemner of our royal authority, and of our laws.—

This is the privilege. Add we now the concurring testimony of good authors, own ing and afferting it in its full extent.

Mr. Camden speaks thus of it, though by a mistake he applies it to Guernsey only. Veteri Regum Angliæ privilegio, perpetuæ hic sunt quasi induciæ; et Gallis, aliisque, quamvis beilum exardescat, ultrò citròque huc sine periculo venire, et commercia securè exercere, licet; i. e. "By an ancient privilege of the Kings of England, there is here a kind of perpetual truce; and how hot soever the war be, the French, and others, have free liberty to come hither to trade, and to depart again in safety."

Mr. Selden urges this privilege as an argument to support his hypothesis of the King of England's dominion over the narrow seas. Neque enim facile conjectandum est, undenam originem habuerit Jus illud induciarum singulare ac perpetuum, quo Caesareae, Sarnia, caeterarumque Insularum Normannico Littori prajacentium incolae, etiam in ipso mari fruuntur, slagrante utcunque inter circumvicinas gentes bello, nist ab Angliae Regum dominio hoc Marino derivetur, i. e. "Tis not casy to conjecture whence first sprung that singular right sor privileges of perpetual truce, which the inhabitants of Jersey, Guernsey, and the other islands adjacent to the coast of Normandy, enjoy in the midst of the sea, notwishstanding any war betwixt the neighbouring nations round about them, unless it be derived from this maritim dominion of the Kings of England?

Dr. Heylin, after repeating almost verbatim what Mr. Camden had said before him of this privilege, goes on; a privilege founded upon a bull of Pope Sixtus IV. the tenth year, as I remember, of his Popedom; Edward IV. then reigning in England, and Lewis XI. over the French. By virtue of which bull, all those stand ipso facto excommunicate, which any way molest the inhabitants of this Isle of Guernsey or any

De Inful. Britan. page 855.

² Mare Claus. Lib. II. Cap. XIX. et iterum Cap. XXII.

³ Here the Doctor follows Mr. Camden, in his misapplication of this privilege to Guernsey only.

which refort unto their island, either by piracy, or any other violence whatsoever. A bull first published in the City of Constance, unto whose diocese these islands once belonged, afterwards verified by the Parliament of Paris, and consistend by our Kings of England to this day. The copy of this bull I myself have seen, and something also of the practice of it on record; by which it doth appear, that a man of war or France having taken an English ship, and therein some passengers and goods of Guernsey, made prize and prisoners of the English, but restored those of Guernsey to their liberty and to their own.

Even strangers have acknowledged this privilege, and entered it into their books of navigation and commerce. Thus the anonymous author of les Us et Coutmes de la mer, printed at Rouen 1671, speaking of prizes taken at sea, says that a prize is not good, si elle a esté faite en lieu d'asyle ou de resuge, comme sont les isles et mers de Gerzay et Grenezay, en la coste de Normandie; ausquelles les Francois et Anglois, pour quelque guerre qu'il y ait entre les deux couronnes, ne doivent insulter ou courre l'un sur l'autre; tant et si loin que s'estend l'aspect ou la veue des dites isles, i. e. " if the prize be made in places of security and resuge [places exempted and privileged] as are the isles and seas of Jersey and Guernsey, on the coast of Normandy; where the French and English, whatever war there be betwixt the two crowns, ought not to insult, and in a hostile manner pursue each other, so long and so far as they have the said islands in prospect and in view "."

I can trace this privilege no higher than Edward IV. Now that King could enforce it only on his own subjects, which would not have answered the design of it. The confent of other princes, especially of the King of France, and of the Duke of Bretagne; to bind it in like manner on their people, was equally necessary. It happened that those powers lived at that time in (at least seeming) amity with England, which facilitated their concurrence. But Edward would not trust entirely to that. He applied to the pope, whose authority ran high in those days, praying him to strengthen the privilege with his censures on the infringers of it. Whereupon the bull was sent of which Dr. Heylin speaks, received with great respect by those several princes, and by their order published with more than ordinary solemnity in all the ports of their dominions lying towards these islands, to the end none who navigated in these seas might plead ig-

^{*} Survey of the Islands. Ch. I. page 300.

Part. III. Art. XXI, § 6.

norance. The bull lies now before me, contained in an Inspeximus of Henry VIII. under the broad seal of England. It shews in perfection the stile of the court of Rome, when its Anathemas struck terror into all men.

If it be asked that we shew something of this privilege upon practice in subsequent times, let the facts and examples following ferve for answer. Anno 1523, during the war berwixt Henry VIII. of England, and Francis I. of France, a ship of Guernsey, taken in the Channel by a privateer of Morlaix, was, by order of the Count de Laval, governor of Bretagne for the French king, released upon plea of this privilege. Anno 1524, a prize made by one Pointy, and brought into Jersey, because taken within the precincts of the island, and therefore contrary to this privilege, was, in an Affembly of the States, the governor and king's commissioners present, declared tortionary and illegal, and Pointy adjudged to make restitution . Anno — while the Duke of Somerset held the government of this island, some English privateers came into the port of St. Aubin, and finding there feveral French merchantmen trading under the fecurity of this privilege, would have made prize of them, but were opposed by the deputy-governor, who protected the merchants, and raising the militia forced the privateers to depart out of the island 2. Anno 1614, in a plea before the parliament of Bretagne, in behalf of three Jersey merchants taken by the French, the court gave sentence that thele islands had the privilege de rester neutres pendant les guerres d'entre les deux royaumes; i. e. " to remain neuter during the wars betwixt the two kingdoms "." Anno, 1628, a bark laden with goods from St. Malo, configned to one Baillehache an inhabitant of Jersey, was set upon in the road by a captain of an English privateer, named Barker, who was ordered to restore the bark, pursuant to this privilege . Lastly, in the greatest heat of the war about Rochel and the Isle of Rhé, the hosiers of Paris and Rouen had free access to these islands, and carried off many bales of stockings, as those of Coutance continued to do down to the reign of King Charles II. our ports, whilst carefully watched and guarded against hostilities, being open to all who came to. trade with us in a peaceable manner.

Here then is a very notable privilege, and, I think, abundantly proved; if charters, broad (eals, the judgments of courts on record, and books, are allowed in proof of any

¹ Acts of the States.

² Chron. MSS. de Jerfey, ch. xxv.

³ This Plea is in print.

^{4.} In the Rolls of the Court.

thing. And though at first fight, this privilege looks as if calculated only for the good of these islands, no doubt but the neighbouring consenting powers likewise found their account in it; neutral ports being of common and general benefit to nations. chard III. indeed had got into his head (as all tyrants and usurpers are suspicious) that the bull obtained by his brother Edward, and the indulgence granted to these islands, might be prejudicial to him and his kingdom; infomuch that he issued out a commisfion to make enquiry, which Rymer has published . But nothing appearing to have followed thereupon, 'tis plain he found no ground for fuch an apprehension. As for the Pope's part in this affair, he could not deny his protection to the church and church men in these islands, and the adjoining continent, whose case at that time stood thus. We of the islands were under the jurisdiction of a foreign bishop, the diocese of Coutance not being as now confined within the main land of Normandy, but extending itfelf to us, and taking us in. The great Norman abbots had the advowson and impropriation of all the churches here, with other effaces besides in land. So then, the clergy must of necessity go over to Coutance for orders and institution, or for other matters occasionally to be transacted with their diocesan. Thither also must appeals from the biship's commissary be carried. The abbots must have their stewards and agents, going and coming, to collect their revenues, and manage their respective interests. But how could this be, without a communication kept open between the islands and the contihent even in time of war? They likewise whom a mistaken devotion brought hither to vifit pretended holy places, and privileged churches (for we were not without fuch 2) must pass and repass unmolested. These things being laid before Sixtus IV. no wonder if he thundered as he did against all who should obstruct the navigation to and from these islands, to the cutting off the intercourse betwixt a pastor and his slock, and to the manifest injury of so many religious persons concerned in the freedom of these seas. So long therefore as the confures of Rome were dreaded, there was an undiffurbed ingrefs and regress here for all, even enemies, who came unarmed. And such for a good space was the state of things in these parts; which also coincided with those peaceful times, fpoken of in the first chapter, when the French were wholly intent on their conquests beyond the Alps. But now followed a great change. Henry VIII. quarrelled with the

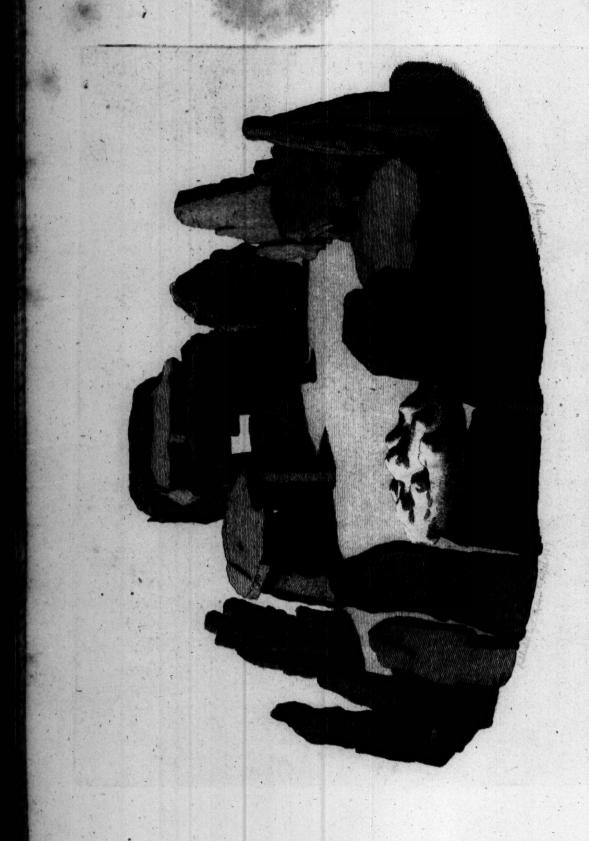
Rex dilecto, &c.—Cum quæ lam Bulla, tempore Domini Edwardi nuper Regis Angliæ quarti, pro utilitate incolarum infra infulas nostras de Gersey et Guernezey obtenta fuerat, quæ sorsan nobis & regno nostro redundare posset in præjudicium, — Nos vobis austoritatem & potestatem per præsentes damus & committimus ad inquirendum, &c. Foxlera, tom. xii. pag. 269.

^{*} From the church of St. Peter-Port in Guerniey being specially named in the bull, I should guess it to have been such a privileged church.



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DRUIDS TEMPLE FOUND IN THE ISLAND OF JERSEY.

Pope, and seized on all the possessions of the Norman abbots in these islands, who after that had no farther business here. He lest us indeed under the Bishop of Coutance, but the ensuing reformation by Edward VI. and Queen Elizabeth threw him out too. Then did the French begin to be troublesome again on their return from their wars in Italy. And so the foundations sinking, on which this privilege had been first built, and on which it mainly stood, it shook, yet fell not all at once. In disputes about prizes, it was sometimes appealed to with success, as in the instances above, but was oftner disregarded. We have it perpetuated in all our charters, though with small hopes of receiving any advantage even from that; and, perhaps, we ourselves have put a bar to all suture claims and pretensions to it, by our privateering in the late wars. In short, like many other antiquated things, it seems to have no place or being now but in books and parchments; and 'tis principally out of respect to those learned men, who have done us the honour to take notice of it as a great rarity and peculiarity of these islands, that I have said so much about it.

CHAP. VII.

RELIGION.

THERE are still to be seen in this island some old monuments of paganism. They are great flat rag stones, of vast bulk and weight, raised three or sour feet from the ground, and born up by others of a less size. We call them poquelayes, a word I can hear of no where else, and therefore take it to be purely local. But these poquelayes are indubitably the same with the cromlechs, so accurately described, and largely accounted for, by Mr. Rowlands, in his Mona antiqua restaurata, and Mr. Toland in his Specimen of the Critical History of the Celtic Religion, besides what is said of them by

First Esfay, Sect. VII. pag. 47, &c. Second Esfay, pag. 213, &c.

² Collection of Posthumous Pieces, vol. i. pag. 96, &c.

They are found more or less in all these parts of the world, where the superstition of the Druids, those famous priests among the ancient Celts and Britons, obtained before the days of Christianity; and are the altars whereon facrifices were offered by them, not of beafts only, but of living men also, as Cæsar 2, Tacitus 3, and all historians bear witness. Now, because in this island, these poquelayes or cromlechs are generally erected on eminences near the fea; I was inclined to think them dedicated to the divinities of the ocean. But herein I fland corrected by Mr. Toland, who having feen my book, observes, that the culture of the inland parts is the reason that few poquelayes are left, besides those on the barren rocks and hills on the sea side; nor is that fituation alone sufficient for entitling them to the marine powers, there being proper marks to diffinguish such wherefoever fituated . I must own this animadversion to be just, being apprized that here and there in this island, one meets with a field, or enclosed ground, bearing the name of le Clos de la Poquelaye, an evident fign and token that on the same spot, there formerly stood one of those altars, since removed and carried away to make room for the plough. Mr. Poindextre judged them in all more than half a hundred, so that in proportion to the bigness of the island, they must have been as numerous here as in the Isle of Anglesev itself, which was the chief residence of the Druids. The present age being very inquisitive into such antiquities, it will not (I prefume) be difagreeable to the reader, to have three or four of the most entire of these poquelayes presented to his view in the notes; an ingenious friend having at my re-CHILD OF ALIE

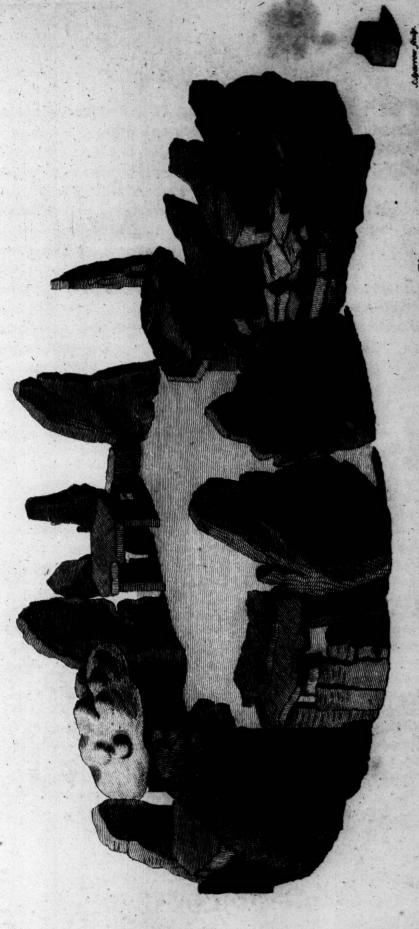
The Celts were those Gauls who possessed the country betwixt the Seine, the Rhine, and the Garonne; and these islands being comprised in that division, it follows that we also are Celts in our original, consequently involved in the same cruel supersition.

De Bello Gallico. Lib. VI.

Annal. Lib. XIV.

[.] Ut fup. pag. 99.

In the parish of St. Helier, at a place called le Dies and on an artificial rising ground, there are no less than three of these altars contiguous to one another. The upper stone of the sirst and principal, measures in length fisteen seet, in breadth fix and a half, in thickness four, and has three supporters. That of the second, to the east of the first, is twelve seet long, two and a half broad, and betwixt two and three thick. The third, to the west, lies slat on the ground, seven seet long, and two broad. On the north are four other great stones lying along the side of the hillock. From the ruins I should guess this to have been one of the Druidish temples, which were only orbicular rows of stones inclosing within the area one or more altars, whereon they sacrificed sub dio——In the same parish upon St. Helier's Hill, is another of these altars, supported as before, the incumbent stone sources feet long, seven and a half broad, and three thick. Near it was a circle of other stones, whereof one only remains, the rest having been broken to make a wall hard by.—Another again in the same parish, on the height of a noted place called le rouge Bouillon, eleven feet and



DRUIDS TEMPLE, IN THE ISLE OF JERSEY. Pl.2.



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quest taken the dimensions of them with great exactness. I would only add, that the fight of those barbarous altars, which have so often been besmeared and seen smoaking with human blood, should remind us and others among whom they still subsist, of God's infinite grace and mercy, in extinguishing so hellish a superstition by the gospel of his son. The Romans, though themselves idolaters, yet abhorring human sacrifices, did all they could to put a stop to them where they found them practised, giving no quarter to the Druids, the ministers of those execrable rites. But the utter abolishing of them was reserved to be the glory and triumph of christianity.

The first providential step towards the conversion of these islands, was, the migration of great numbers of holy men, bishops and priests, and a pious laity, out of Great Britain into Armorica, slying from before the face of the prevailing Heathen Saxons. Among those sugitives, the most conspicuous, as for the sanctity of his life, so for the eminence of his character, was St. Samson, who had been a metropolitan in Britain; but whether of York, or of Menevia (now St. Davids) is so little agreed upon, that

and a half long, ten broad, and two thick, with other stones lying scattered about the same. Near Mont Orgueil Castle, there is one on five supporters which exceeds the rest, being fifteen feet in length, ten and a half in breadth, three and a half in thickness. With its weight it has made the supporters fink so deep in the earth, that one must creep to go under it .- I shall mention but one more of these monuments, differing somewhat from the former. It confifts of one and twenty stones, fet on end in the form of an oval. Within this oval are fourteen others in two strait rows, feven of a fide, which fusian three large flags, each fix feet in the diameter, fo that the faid flags lying close and touching one another, may be supposed to have made one altar eighteen feet in length. Now this also I take for a temple, one I mean of the less fort. For 'tis obferved that those temples of the Druids differed in magnitude, as Christian churches do now. t stands near Rosel Haven, on a cliff or hill called le Couperon; and into the fide of the same hill are caverns wrought, leading into one another, the entrance three feet high, and two wide; but for what used intended I am not able to fay; unless that, being so near the temple, the miserable victims were there shut up and secured till they were brought to the altar, on the folemn days appointed for facrifice. I cannot yet end, without taking notice of another extraordinary stone, which I myself remember standing in a place called les Landes Pallot, not far from my house in the parish of St. Saviour. It was a rocking stone, of the same nature with the famous one in Scotland demolished by Cromwell's foldiers, and with others in England. This in my neighbourhood was roundish (as such must of necessity be) very big, and bearing on the natural rock underneath with fo just a counterpoize, that a child might stir it with a finger, when the united strength of many people could not move it from its place. Means however have been found (as I am informed) to cast it down, for the fake of the splinters to be employed in building. But 'tis not known whether the same artifice was used in poizing and balancing it, which Sir Robert Sibbald says was discovered at the demolishing of the Scottish stone. 'Tis thought these rocking stones were the contrivance of the Druids, to make the credulous multitude believe that they had the power of working miracles.

after

after all the pains taken by our most learned Usher !, to collect and compare vouchers on both fides, the matter remains in obscurity. That he was a British archbishop, and carried the pall with him into Armorica, is certain, and confessed by all. His reception there likewise was answerable to the rank he had held in his own country, the see of Dol being conferred upon him, and in his favour erected into a metropolis 2. And because the same was but of narrow extent, unequal to the dignity to which it was now raised, great accessions were made to it by the munificence of princes 3. These islands were then under the Kings of France, who had lately embraced Christianity; and Childebert. fon of Clovis, made a gift of them to St. Samson, for an augmentation to his small diocese; as we learn from D'Argentré, who affirms that he himself had perused the writings of that donation. A ceft Archevefque Childebert donna quelques ifles et terres en Normandie +; Rimoul, Augie, Sargie, et Vesargie, qui estoint isles en la coste; car je trouve cela aux vielles lettres, i. e. " To this Archbishop Childebert gave some islands and " Lands in Normandy; Rimoul, Augie, Sargie, and Vefargie, which were islands on " the coast; for so I find in old instruments and records." That Augie was an ancient name of Jersey, has been shewn in the entrance of this work. The other three therefore must be, Erme, Sark, and Guernsey, as some affinity remaining in the names plainly enough indicates. Alderney is not in the grant, because too remote from Dol. In those days, albeit Christianiry did already predominate, and bishops were established in every confiderable city, yet Paganism kept still and long its footing in villages 6, and diffant corners; the territory of Dol particularly continuing to be so infected with it, that the remainder of St. Samson's life scarce sufficed for the rooting of it out; whereby it came to pass, that he could not give the attention he wished to the care of these islands, which devolved on his successor. Nevertheless, in remembrance of him, when

Britannicarum Ecclesiarum Antiquitates, cap v. pag. 39, &c. Iterum, cap. xiy. p. 276, et in Indice Chronologico passim.

Till then the bishops of Armorica had been suffragans of Tours. Dol maintained itself in its new dignity above six hundred years. After great and long contestations the same was restored to Tours.

³ Cest Evesché a plusieurs benefices en sa collation, voire semez et enclos aux autres dioceses, qui luy ont esté anciennement donnez et attribuez pour reparer la petitesse de son estendue, & auctoriser le titre d'Archevesché. D'Argentré Hist. de Bretagne, liv. i. ch. xix. sol. 65.

[&]quot;Tis fo called here by anticipation. It's name then was Neuftria.

Hift. de Bret. liv. i. ch. xxviii. fol. 114.

From Pagus, a village, was formed Religio Pagana; as much as to fay, the religion of villagers and peafants. For among them heathenism retreated, when banished out of cities; and such even now are most temacious of any superstition they have once imbibed.

the islands became Christian, a parochial church was built and dedicated to his name in Guernsey, to this day called l'Eglise & Paroisse de St. Samson. He was a worthy pre-late, famous in his time. He subscribed to the third Council of Paris, and sinished his course about the year 565.

Most of the sees in Armorica were then filled with British bishops, who had accompanied St. Samson in his flight; but in his own diocese and metropolitan dignity, he left his nephew St. Magloire (a Briton likewise) to succeed him?. And this was he whom it pleased God to make the happy instrument of bringing these islands, which sate in darkness and the shadow of death, to the knowledge of himself. This holy man, the better to fulfil the work of an evangelift, refolved to quit his bishoprick; and accordingly refigned it to St. Budoc, one of his disciples. Then taking with him a select number of proper affistants, he sailed for the islands. Jersey lies the nearest to Dol; however for that time he passed it by, and landed in Sark, which is some leagues beyond; chusing that small place for recollection and prayer, before he entered farther on his ministry. And there he raised a little monastery, or college of priests, for a supply to the islands in after times, by whom I make no doubt but the word of falvation was carried over to Guernsey, for I do not find that he himself was ever there in person. This little monaftery was still in being eight hundred years after, viz. in the reign of Edward III. as appears from an account in the Remembrancer's office 3, mentioning an annual penfion allowed by the crown, Conventui Sancti Maglorii in i. fuld Sargienfi, i. e. " to the Convent of Sr. Magloire in the island of Sark." Having done this, he failed again, and came to Jerfey; where by his powerful preaching, his exemplary living, and the mighty works which God wrought through his means (if the writers of his life may be credited) he laboured fo fuccessfully, that the governor (whom some call Loyescon) and all the inhabitants, renouncing idolatry, were baptized into the faith of Christ. The rest of his

On raconte de luy un grand nombre de miracles, et l'Eglise l'honore le vingt-huitième de Juillet. Fleury Hist. Eccles, liv. xxxiv. sect. 14.

² St. Magloire fut nommé par St. Samfon pour luy succeder dans la Dignité Episcopale. Il estoit son parent, mais il est a croire que Samson écouta plus dans ce choix la voix du Ciel que celle de la chair ou du sang. Magloire ne tint pas long-tems le siege, il se nomma aussi un successeur, qui sut Budoc, et se retira d'abord dans une dependance de son Eglise, où il bastit un monastere, et puis dans l'Isle de Gerse, où il en bastit un autre, et y mourut vers l'an 586. Dom Lobineau Hist. de Bretagne, tom. i. liv. ii. sect. 196.—
De S. Samsone simul et S. Maglorio videantur Girald. Cambr. in Itiner. lib. ii. cap. i.—Andr. Saussay. in Martyrol. Gallic. parte poster. sol. 774.—Laurent. Surius in Vità Maglorii. tom. v. ad Oct. 24.—Cum cæteris quos notat celeberr. Usserius loc. suprad.

² Seen by Mr. Poindextre, as I find in his papers.

life he spent in the island, for here also he died, and was buried in a little chapel hard by the free-school in the parish of St. Saviour. Of this chapel the foundations are still vifible, and the school is from him called l'Ecole de St. Magloire, corruptly St. Manlier. To proceed a little further in our account of one to whom under God we owe that we are Christians, his body having rested in this island upwards of two hundred and fixty years, Nominoé [al. Neomenius] who then reigned in Bretagne (for now Armorica was fo called) would have it over, to reposite it in the monastery of Lehon near Dinan, which he was founding . There it lay till the irruption of the Normans, for fear of whom the religious fled with it to Chartres, higher up in the country. From Chartres it had another remove fome time after, being translated to Paris, where Hugues Capet, afterwards King of France, and founder of the late royal race, caused an abbey-church to be built for its reception, bearing the name of St. Barthelemy and St. Magloire 2. These extraordinary honours done to his ashes, are not set forth here by way of approbation, but only for a proof of those eminent virtues, and zeal in propagating Christianity, which foread his fame, and handed it down to the following generations. The day whereon he is cemmemorated, is Oct. 24?.

That Heavenly truth which he had preached, received farther confirmation from the coming of another venerable prelate amongst us. This was Prætextatus, archbishop of Rouen in Neustria, whom Fredegund wife of Chilperic King of France, by violence and calumny had got to be driven from his see, and banished into this island. Finding here a Christian church, yet in a state of infancy, he would not be wanting to tender it, and promote its growth in piety and knowledge. His exile lasted about ten years, whereby he had time and opportunity to exert his charity towards us. All the while the

Neomene fonda le Prieuré de Lehon, qui est prés de Dinan, & sist r'apporter le corps de St. Magloire, qui estoit ensevely en l'isle, qui est l'isle de Jarze, a la coste de Normandie, laquelle appartenoit a l'Evesque de Dol. Dargent. Hist. de Bret. liv. ii. ch. xviii. fol. 136. verso.—Nominoé sut le fondateur de l'Abbaïe de Lehon prés de Dinan.—il y avoit trouvé six moines—leur avoit fait esperer qu'il leur donneroit un établissement s'ils pouvoient trouver quelque Corps Saint, et l'apporter en Bretagne. On regardoit en ce temps la ces sortes de larcins comme des actions d'un grande merite. Un de ces moines alla en l'isle de Jarze, où St. Magloire avoit esté enterré. Il persuada a ceux qui gardoient ces sacrées dépouilles de les tirer de la terre, pour les apporter en Bretagne. Dom Lobineau Hist. de Bret. tom. i. liv. ii. sect. 62.

Paris ancien et nouveau par Le Maire, tom. i. pag. 356.

Il sit quantité de miracles, et mourut vers l'an 575, le vingt-quatriéme d'Octobre, jour auquel l'Eglise celebre sa memoire. Fleury Hist. Eccl. liv. xxxiv. sect. 14.——This historian gives him eleven years less of life than Dom Lobineau. But 'tis scarce possible to adjust with a critical nicety the chronology of those times.

[.] Gregor. Turon. Hift. Franc. lib. v. cap. xviii.

people of Rouen lamented the absence of their pastor, and called aloud to have him restored to them. He was so; but not long after, the cruel queen sent an assassin who murthered him in his church, for which he is honoured as a martyr, and Orderic Uticensis has this distich on him,

Occubuit Martyr Prætextatus, Fredegundis Reginæ monitu, pro Christi nomine Jesu?.

Thus did Christianity gain entrance into these islands, and that at a time when it was yet pure, unmixed with any hurtful errors, either in faith or practice. It was the fame Christianity which the old British churches professed, antecedently to Austin's mission into England by Gregory the Great. For they who first preached it to us, were themfelves ministers of those churches. Bishop Jewel, 'tis well known, challenged the adverfaries of the reformation to shew, though but in one fingle point, that popery (truely fuch) had any existence in the world for the first fix hundred years after Christ. Our conversion falls within those years. It was wrought within that period. Which I defire to have well noted, left fome, by confounding times, go away with a notion, that our St. Samson and St. Magloire were belike such faints as they whom Rome has canonized in latter ages, and with whose forged miracles the Popish legends are filled. Those deserve the honour, as much as these (or most of them) are unworthy of it-And yet even those good men could not have their pious labours for religion transmitted to posterity by monkish writers, without some allay of fable and siction; which an intelligent reader will neglect, and rest on well attested facts, or such at least as from collateral circumstances have a fair appearance of credibility.

The coming in here of the Normans followed the establishment of Christianity; yet not untill by length of time it had sunk into the hearts of men, and got strength to stand against the assaults and persecutions of those barbarians; concerning whom, and their declared enemity to Christ's religion, I refer to what is said in the first chapter. We have indeed but one martyr remembered by name, of whom they made a sacrifice to their gods, viz. St. Helier; but they who took so much delight in shedding Christian blood, would hardly be satisfied with that of only one holy man amongst us. 'Tis

L'Eglise honore Saint Pretextat comme Martyr, le vingt-quatrième de Fevrier. Fleury Hist. Eccles. liv. xxxiv. sect. 52.

Hift. Ecclef. lib. v. apud Du Chesne Norman. Scriptor. pag. 560.

owing to the darkness and remoteness of those ages that we have no memoirs of other fufferers. Such memoirs, if extant, would shew these islands reeking with the blood of the inhabitants, and every facred mansion therein made a heap of rubbish. For how should we escape sharing in the common desolation of other Christian countries about us in those calamitous days? But behold a wonder! Of those same cruel heathers and perfecutors, it pleased God to make converts; briefly, to work such a change in them, that they became a religious people. I mean, as religion then stood. For it had already loft much of its fift purity. Many corruptions were already crept into it. The zeal of Christians ran then chiefly upon building of churches and monasteries, and filling them with relics of faints; in which the Normans quickly outdid all others', meaning thereby to atone for the havock they had made of fo many holy places whilst they were yet pagans. For one they had destroyed, they built two. Insomuch that no province of France can vie with Normandy for numbers of religious foundations. Rollo their chief, and first duke, led the way ; his successors followed the example; and there was fcarce a man of rank and estate among them, but would be founder of some house of devotion.

In Jersey, small as the island is, there arose a goodly abbey, that of St. Helier; sour priories, viz. Noirmont, St. Clement, Bonne-nuit, and de Lecq; twelve parish-churches, of so solid a structure that time has hitherto made little impression on them; and, lastly, upwards of twenty chapels, some now in ruins, others remaining on foot, whereof two are more especially remarkable. 1. La Chapelle de Notre Dame des pas 3,

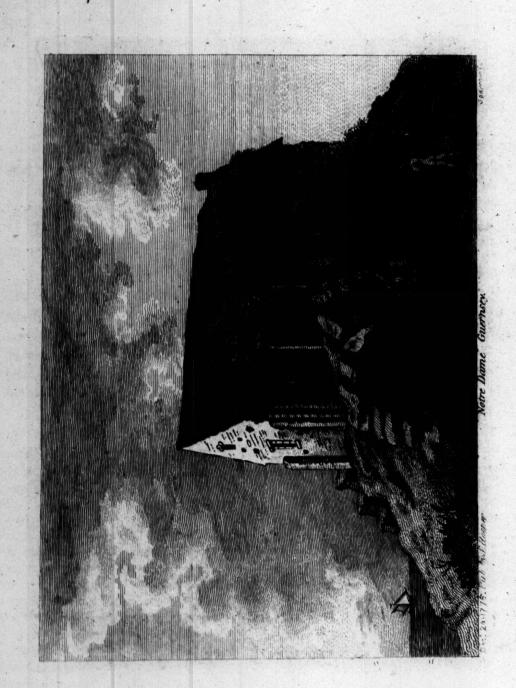
[&]quot;Ut quamprimum Normanni Christo sunt regenerati, protinus pietatis operibus addictissimi extitere; necnon sacris medibus extruendis, refarciendis, vel amplissicandis, impense animum dederunt, &c. Neustria pia,
ad Gemet. cap. xiv. pag. 301.——En ce Siecle là, la Religion étoit plus florissante en Normandie que
dans la plus part des autres païs. Temoin la pieté singuliere des Ducs, les temples somptueux qu'ils sirent edisier, &c. Masseville, Hist. de Norm. part i. page 280.

^{*} Ecclesias funditàs fusas statuit. Templa destructa restauravit, &c. Dudo de moribus prim. Norman. spud Du Chesne. Lib. ii. pag. 85.

This chapel, de Nostre Dame des Pas, or, in English, of our Lady of the Steps, stands on a rock, about a quarter of a mile south of the town of St. Helliers. It takes its appellation from an apparition of the Virgin Mary to some pious priest whose name is now forgotten; the print of the footsteps are, as it is related, marked in the rock, which, that it might not incommode her feet, became soft as dough. A similar miracle is said to have nappened at Feschamp in Normandy, where the Holy Virgin ascended the high hill that overlooks the town and harbour, leaving the impression of her feet in divers rocks and stones she met with in her way.

BRITIS





fo called from a pretended apparition of the Bleffed Virgin, and the print of her steps in the rock whereon the chapel is built. 2. La Hogue-bie, seated on a high artificial mount, facing Normandy. Hogue is a word with us of the same general import as agger and tumulus in Latin; but here more nearly answers to what in England is called a barrow, i. e. a pile of turf and earth raised with hands on the body or bodies of one or more illustrious dead, flain in fingle combat or in war. Of these Hogues we have divers in Jersey', but this exceeds the rest, both in height, and in the circumference of the area which it takes up. The tradition concerning it and the chapel above it, is, that a certain Norman nobleman, Seigneur de Hambie, being killed in this island, his widow caused this extraordinary monument to be erected over him, and had it carried up to that height, purposely that from her window in Normandy she might at all hours have a fight of the place where the dear man lay interred. The chapel on the top, as it added to the height, and brought the beloved object still nearer, so it served at the fame time for masses to be said therein for the foul of the deceased, according to the supersition then in vogue. And thus far the tradition has nothing improbable in it. For the Seigneurs de Hambie were well know in their time, and make a figure in the history of Normandy. They were founders of the abbey of Hambie 2, not far from Coutance; and their family name being Paisnel, latinized into Paganellus 3, they communicated the same to a fief which they possessed in this island, still called le Fief de Paisnel. But there are other circumstances accompanying the story, which have too much the air of romance to be taken in here. The whole from the Latin MSS, will be found in the Appendix Numb. X. Mr. Poindextre indeed was of opinion, that this and the other hogues in this island were raised at the time that the Normans began their inroads into these parts; and were intended for speculæ or watch hills, to discover those rovers at sea, and give notice of their reproach; and that the chapel was built after-

The age of this building is not known, nor has tradition preferved the name of its founder, any more than the date or particulars of the miracles, which probably gave cause to its erection. It has, however, seeming marks of great antiquity; at present it is used as a store-house; and in July, 1776, was filled with different goods. The then occupier described it as quite plain, having neither carving nor inscription. It is of very rude workmanship; the roof seems to be stone, formerly covered with either slate or stones cut thin like tiles.

But more formerly, which have been levelled for culture of the land, as the poquelayes taken away for the fame reason.

² Neustria pia, ad Hambey, cap. i, page 821

² Fulco Paganellus de Normannià, vir nobilis, et Willielmus frater ejus, &c. Matt: Parif. Hift. maj. ad an. 1230. pag. 399.——Duo fuere Paganelli, Fulco & Gulielmus fratres, Heroes, &c. Polyd. Verg. in Henr. III. Lib. xvi. page 299.

wards by one Mabon, dean of the island, about the year 1520. But I cannot see the necessity of such speculæ, where the land is so high as naturally and of itself to afford a free prospect all around. And 'tis from taking too slight, or too distant an observation of the chapel, that the same learned gentleman ascribes it to Mabon; who (tis true) made an addition to it, but such as is easily distinguishable from the more ancient building. Mabon had been to visit the holy places at Jerusalem, and at his return thought that by setting up a representation of our Lord's sepulchre, he might excite a greater fervour of devotion among the people. Accordingly he lengthened the chapel to the east, and excavated a place under the altar, with passages leading down to it, which imitated not ill the repository of our Lord's sacred body, as Sandys and other travellers describe the same. Our Chronicler represents this man as a great deceiver, who, by seigned visions and apparitions in this place, drew many offerings to it, and no small gain to himself. In a word, it was the great scene of Popish superstition and imposture, whilst that religion had sooting amongst us.

It has been flewn above how all these islands, by the concession of a King of France, were annexed to the fee of Dol in Armorica or Bretagne, which was a detaching them (at least as to spiritual concerns) from the province to which they naturally belonged, viz. Neultria. But when about three hundred and fifty years after, another King of France yielded up Neuftria to Rollo and his Normans, and these fell out with the Britons about the limits of their territories and other matters, they would not fuffer an alien, and often an enemy, to have any thing any longer to do here. They withdrew us from him, and placed us under a bishop of their own, the Bishop of Coutance; who being the nearest, was for that reason the fittest to have the superintendancy over us. By the advantage of this mutual neighbourhood, we fometimes enjoyed the presence of our bishop, a happiness which in these latter times we are unacquainted with. I have in my hands a transcript from the archives of Coutance, recording the year and day of the confecration of every church in Jersey, which necessarily supposes the bishop prefent on those occasions. For I do not remember that the power of confecrating churches was wont to be delegated to an inferior minister. Under this bishop we continued till the reformation, notwithstanding our separation from Normandy. Once King John, in a fit of anger for the loss of that province, had resolved to transfer us to Exeter'; but either changed his mind, or by his troubles was diverted from doing it. Henry VII. went farther, having actually procured a bull from Rome to lay us to Salifbury, and

¹ Chron. MSS. de Jerfey, ch. i.

^{*} Rotul. Infular. in Scaccar.

then another (upon cancelling the first) to remove us to Winchester; yet neither of them took effect, though the bull for Winchester be entered in Bishop Langton's register. It may be seen in Rymer 1, and likewise in the Appendix, Numb. XI. 'Tis probable Queen Elizabeth took the hint from her grandfather, when at length she fixed us in the diocese last named. Now for the exercise of such acts of ecclesiastical jurisdictions as he could depute to another, the Bishop of Coutance had in each Island of Jersey and Guernsey a commissary with a fort of archidiaconal power, but better known by the name of Dean; and if the Bishops of Dol had the same, which can hardly be questioned, the office must be of the like standing here as christianity itself. The said Dean, in executing his commission, met sometimes with opposition from the governor, and was forced to seek relief from the sovereign, as in the instance below among the notes 2.

Something also has been said of the great possessions of the Norman Abbots in these islands. It was the same in all, but I shall confine this account singly to Jersey. Here then those Abbots were Lords of several good manours, and had the priories reduced to cells and dependencies on their houses. They were patrons of all the churches, and shared the tythes of them all, leaving only a very mean and unequal portion to those who ministered at the altar. Which different allotments will best appear by inserting the following extract from the black book of Coutance, attested under the episcopal seal of that our then mother-church. Of this there is handed an old English translation, supposed to be made in the time of Edward VI. or Queen Elizabeth, varying in some particulars from the Latin. I have set them one against the other, that he who will may compare them.

Universis præsentes litteras inspecturis, Officialis Constantiensis Salutem. Notem facimus quod nos ad requestam religiosorum virorum Abbatis & Conventus Sancti Salvatoris Vicecomi-

Foedra. Tom. XII. page 740.

² Claus. an. 23. Ed. I. m. 6. Cedula. Edwardus, &c. dilecto & fideli suo Henrico de Cobham, Custodi Insularum—Quia accepimus quod Decanus insule nostre de Genereye ³ predicte, super aliquibus que spectant ad jurisdictionem suam in eadem insula per vos hactenus extitit impeditus, quo minus eam exercere potuit vel debeat; Nolentes eidem Decano injuriari in hac parte, vobis mandamus quod ipsum Decanum jurisdictione sua pacifice uti permittatis, prout ea uti debet, et hactenus uti consuevit; Ita tamen quod nichil exerceat in prejudicium nostre regie dignitatis, nosque super causa impedimenti predicti per vos eidem Decano sic illati in proximo Parliamento sub sigillo vestro distincte et aperte reddatis certiores. T. meipso ap. Westm. XXVI. die Aug. an. Regni nostri vicesimo tertio. Vid. Ryley's Placita Parliament. in Append. page 468.

³ The transcriber of this record has so mispelled the name of the island that one knows not which of the two is meant, Jersey or Guernsey.

tis, visitavimus, legimus, & inspeximus, atque visitari, legi, & inspici fecimus, quendam librum in Domo seu manerio Episcopali Constantiensi existentem, vulgariter Librum Nigrum nuncupatum, in quo vidimus & legimus nonnullas Clausulas, Ecclesias, & Benesicia Insulæ Jersey, & de eis cum præsato Libro Nigro collationem secimus diligenter. Quarum quidem Clausularum tenor sequitur de verbo ad verbum, & est talis

Ecclefia Sanci Breverlardi.

Patronus, Abbas Sancti Salvatoris Vicecomitis, & percipit duas partes garbarum, & Rector sextam, Abbatissa de Cadomo— Abbatissa Vilmonasterij duodecimam. Rector item habet sex virgas eleemosynæ. Et valet dicta ecclesia annis communibus triginta libras turonenses.

Ecclesia Sancti Petri.

Patronus, Abbas Sancti Salvatoris Vicecomiris, & percipit medietatem garbarum,
Abbatissa Cadomensis quartam garbam, &
Abbatissa Vilmonasteriensis aliam quartam,
exceptà Carucatà des Nobretetz. Rector
percipit novalia, & habet octo virgas terræ
eleemosynæ, & valet triginta libras turonenses.

Ecclefia de Trinitate.

Patronus, Abbas Cæsaris-burgi. Abbas Sancti Salvatoris Vicecomitis percipit sextam garbam, Abbas Cæsaris-burgi tertiam, & liberam decimam; Episcopus Auritanus medietatem garbarum. Rector percipit novalia, & habet octo virgas eleemosynæ;

The Church of St. Brelade.

The patron thereof is the Abbot of St. Saviour Vicount, who have two parts of the tythe-sheaves, the Minister the fixth part, the Abbess of Caen the twelfth part, the Abbess of the Monastery Villiers the twelfth part. Besides the Minister have fix vergies of almes ground. And the said church one year with another is worth thirty livres tournois.

The Church of St. Peter's.

The patron thereof is the Abbot of St. Saviour Vicount, who have half the sheaves, the Abbess of Caen the sourth part, and the Abbess of the Monastery Villiers the other fourth, excepta Carucata of the Nobretey. The Minister have the novals, and four vergies of almes, and it is worth thirty livres tournois.

Trinity Church.

The patron thereof is the Abbot of Sherburg. The Abbot of St. Saviour Vicount have the fixth sheave, the Abbot of Sherburg the third, and the free tythe; the Bishop of Avranche half the sheaves. The Minister have the novals, and eight vergies

turonenses.

& valet communibus annis triginta libras of almes; and it is worth one year with another thirty livres tournois.

Ecclefia Beatæ Mariæ.

Patronus, Abbas Cæfarienfis. Abbas Sancti Salvatoris Vicecomitis percipit fextam garbam, Abbatissa Cadomensis etquartam partem decimæ garbarum. Rector percipit tertiam partem garbarum, & habet fexdecim virgas eleemofynæ, & valet triginta libras turonenses.

Ecclefia Sancti Johannis.

Patronus, Abbas Sancti Salvatoris Vicecomitis, & percipit totam decimam, et ecclesia ibidem Prioratus ejusdem Monasterij. Et funt ibi duæ virgæ eleemofynæ, & valet viginti octo libras turonenses.

Ecclefia Sancti Audoeni.

Patronus, Abbas Sancti Michaelis in periculo maris, & percipit ibi duas garbas, & quatuor libras turonenses. Abbatiffa Cadom. & Monasterij Villers duodecimam garbam; Abbas Sancti Salvatoris Vicecomitis fextam garbam. Rector habet quatuor virgas eleemosynæ, & valet triginta libras turonenses.

Ecclefia Sancti Laurentij.

Patronus, Abbas de Blanca Landa, & X 2

The Church of St. Mary.

The patron thereof is the Abbot of Sherburg. The Abbot of St. Saviour Vicount have the fixth sheave, the Abbess of Caen and of the Monastery Villiers every one of them the fourth part of the tythe of the The Minister have the third sheaves. part of the sheaves, and fixteen vergies of almes, and it is worth yearly thirty livres tournois.

The Church of St. John.

The patron thereof is the Abbot of St. Saviour Vicount, who have the whole tythe, and there is the Priory of the faid Monastery. And there is twelve vergies of almes, and it is worth eighteen livres tournois.

The Church of St. Ouen.

The patron thereof is the Abbot of St. Michael in the danger of the sea, who have two sheaves, and four livres tournois. The Abbess of Caen and of the Monastery Villiers every one of them the twelfth sheave; the Abbot of St. Saviour Vicount the fixth. The Minister have four vergies of almes, and it is worth thirty livres tournois.

The Church of St. Lawrence.

The patron thereof is the Abbot of percipit

percipit tertiam partem decimæ; Abbas Sancti Salvatoris Vicecomitis Sextam, Epifcopus Aurenfis medietatem. Rector habet fexdecim virgas eleemofynæ, & valet triginta libras turonenfes.

Ecclefia Sancti Salvatoris.

Patronus, Archidiaconus Vallis Viris in Ecclesia Constantiensi. Et est ibi Vicarius qui reddit Archidiacono annuatim viginti libras turonenses. Dominus Episcopus Constantiensis percipit medietatem decimæ, Archidiaconus tertiam, Abbas Sancti Salvatoris Vicecomitis sextam. Et habet Vicarius viginta quatuor virgas eleemosynæ.

Ecclefia Sancti Clementis.

Patronus, Abbas Sancti Salvatoris Vicecomitis. Rector percipit quartam & quintam garbam; Abbas Sancti Salvatoris Vicecomitis, Abbatissa Cadom, & Monasterij Villers residuum. Er ibi viginti quatuor virgæ eleemosynæ, & valet quadraginta libras turonenses.

Ecclefia Sancti Martini veteris.

Patronus, Abbas Cæsariensis, & percipit ibi centum solidos de pensione. Rector percipit tertiam partem decimæ, et habet viginti sex virgas eleemosynæ. Abbas Sancti Salvatoris Vicecomitis sextam garbam; Abbatissa Cadom, & Monasterij Blancheland, who have the third part of the tythe; the Abbot of St. Saviour Vicount the fixth; the Bishop of Avranche the half. The Minister have sixteen vergies of almes, and it is worth thirty-sive livres tournois.

The Church of St. Saviour.

The patron thereof is the Archdeacon of Vallis Viriz in the Church of Constance. And there is a Vicary who giveth yearly twenty livres tournois to the Archdeacon. The Bishop of Constance have half the tythes, the Archdeacon the third, the Abbot of St. Saviour the fixth. And the Vicary have twenty-four vergies of almes.

The Church of St. Clement.

The patron thereof is the Abbot of St. Saviour. The Minister have the fourth and fifth sheave; the Abbot of St. Saviour, the Abbess of Caen and of the Monastery Villiers, the rest. And there is twenty-four vergies of Almes, and it is worth forty livres tournois.

The Church of St. Martin's.

The patron thereof is the Abbot of Sherburg, who have a hundred souce of penfion. The Minister have the third part of the tythe, and twenty-six vergies of almes. The Abbot of St. Saviour Vicount have the sixth sheave; the Abbes of Caen ginta libras turonenfes.

Villers quartam partem; et valet septua- and of the Monastery Villiers every of them the fourth part; and it is worth feventy livres tournois.

Ecclefia de Grovilla.

Patronus, Abbas de Exaquio. Percipit quartam garbam; Abbas Sancti Salvatoris Vicecomitis sextam; Abbatissa Cadom. et Monasterij Villers medietatem. percipit nonam partem, et habet duodecim virgas eleemofynæ; et valet communibus annis quinquaginta libras turonenses.

Here the Latin copy is defective.

Grouville Church.

The patron thereof is the Abbot of Laffey', who have the fourth sheave; the Abbot of St. Saviour Vicount the fixth; the Abbess of Caen and of the Monastery Villiers the half. The Minister have the ninth sheave, and twelve vergies of almes; and it is worth yearly fifty livres tournois.

The Church of St. Helier.

The patron thereof is the Abbot of St. Saviour Vicount, who have half the tythe, and the Minister have of that half the fifth sheave. The Abbess of Caen and of the Monastery Villiers every of them the fourth part. The Minister have -- vergies of almes, and it is worth forty livres tournois.

Quod autem vidimus et legimus, boc testamur. In cujus rei testimonium sigillum magnum curiæ Episcopalis Constantiensis presentibus duximus apponendum. Datum Constantiæ, anno Domini millesimo quadringentesimo sexagesimo primo, sextá die mensis Februarij.

These copies having, in a long course of years, passed through the hands of many transcribers, 'tis no wonder if there be found in them some variations and errors, which can hardly be rectified but by a new collation with the original at Coutance, if it were worth the while. Take them as they are, and they fufficiently shew how the churches in this island were impoverished and pillaged, to enrich with their spoils the religious houses in Normandy. It might reasonably have been expected that the reformation (towards which I am hastening) should have redressed this great abuse; so that when those houses were stript of their possessions here, the tythes at least had reverted to their primitive defignation; the crown contenting itself with the patronage of the churches, and with the seizure of the manors and lands. Yet so it was not. All was alike swallowed up, and without distinction thrown into the revenue; whereby the now protestant incumbents remain excluded from all demands beyond the poor and scanty proportions specified in the extract above. But because there will be occasion to resume this subject, I shall say no more of it at present.

If a people of themselves religiously disposed (which I beg leave to say has been some time our character) are not therewithal competently knowing and enlightened, they will naturally give into every thing that has a shew of piety, be it never so idle and childish. Such was our state under popery, no place being more overrun with little and low superperstitions than this island. But the time was now come for this darkness hanging over us to vanish at the light of the reformation, which in its beginning and progress with us kept pace with England. Henry VIII. quarelled with the Pope, rather than with the Pope's religion; and so, except his casting out those foreigners who made a prey of us, he left things little better than he found them. In the reign of his fon Edward VI. the work proceeded, as more orderly, so likewise more vigorously, and the glorious day brightened upon us. The English liturgy, or (as it was then more commonly called) the service book, was translated into French, sent hither, and used in all our churches. Under Queen Mary, the mass was set up again; but through a singular mercy of God, the perfecution did not rage here as in other places. While that Queen made bonfires of protestants in England, one Richard Averty, a Popish priest in this island, was hanged for murther by sentence of the royal court 1. He was a great enemy and persecutor of the married clergy, but at the same time kept a whore, who being brought to bed, the wretch to conceal his shame murdered the infant, unknown to the mother. Whereupon he was apprehended, and in spight of all the opposition made by Paulet the Popish Dean (who would have had him convened before the Bishop of Coutance as his proper judge) suffered the death he deserved. This must seem an act of great courage and resolution in the court, to any who considers the power and credit of the Popish clergy in that reign. It was not so in Guernsey, where such an inhuman barbarous deed was committed, as the like is not to be met with in either ancient or modern martyrologies. A poor aged widow, and her two daughters, whereof one named Perrotine Maffey had married a minister, who was fled for the security of his own life, was condemned to be burnt for herefy. The minister's wife was big with child. When she came to suffer, her belly burst through the violence of the flame, and a lovely boy issuing forth fell

gently on the faggots. The child was taken up, and carried to the magistrates, who fent it back, ordering it to be thrown in with the mother. The cruel command was obeyed, and the innocent babe baptized in fire.

But now came on the more happy days of good Queen Elizabeth, which restored to us true religion, in a persect agreement with the Church of England, and in the use again of the liturgy, as in the time of her brother. And it being a thing utterly inconsistent for a Protestant people to be under the government of a Popish bishop, we were discharged from owning and acknowledging him of Coutance any longer. In the year 1565, which was the seventh of the Queen, I find two agents here from him, to lay before the royal court sundry claims and demands in his name, as ordinary of the island; offering to give institution to some livings then void, on the Queen's or governor's presentation, without regard to the old patrons the Abbots. What answer the court returned to the message needs not be said; however, the bearers were treated and dismissed, civilly. Then, or soon after, we had the Bishop of Winchester given us for our diocesan.

In those same days, the Protestants in France being cruelly persecuted, the nearness of this island invited many of their ministers to take fanctuary here, first and last during the reign of the Queen to the number of well nigh fifty 2. The cause for which they fuffered spake too loudly in their favour not to procure them a kind reception. Some of them were men of distinction for birth and learning, and all so much superior to our own clergy at that time in the talent of eloquent and pathetic preaching, which they had practifed in France, that they grew into marvellous efteem. And had they pleafed to acquiesce in the established order, and by their example confirm the people in the just reverence that had thus far been paid to it, their coming amongst us would have been indeed a bleffing. For so effectually did they beat down every superstition remaining, that in a little while not a Papist was left in the island, nor has there been one ever fince. But they were too great admirers of their own way; in which if they were not permitted to go on, they sticked not to declare that they would retire, and bestow their labours elsewhere. To hear this, was very grievous to an honest well-meaning people, who feared to be left without a supply of able ministers to preach to them, the difference of language making it impracticable to have affiftance from England. In

Fox. Acts and Monuments, ad an. 1556, page 1763, &c.

² Our MS. Chron. Ch. XXXIX. has preferred the names of two and forty of them.

Mort, these strangers so wrought, that they got possession of the church of Sr. Helier, the town-church, where the Sieur de la Ripaudiere, a principal man among them, introduced their discipline, ordained elders and deacons, and giving notice of a solemn communion to be celebrated on a certain day, after their manner, drew multitudes from the other parishes to partake and join with them. Nor did this yet satisfy them. They prevailed with many of the chief inhabitants, and even of the magistrates (still fearing a defertion, and want of ministers) to petition the Queen for leave to have all the other churches in the island modelled like unto St. Helier. This the Queen thought too much to grant. I am fure it was a great deal too much for them to ask. She so therefore yielding only in part to their importunity, did limit and restrain her indulgence to the fingle church of which they were already possessed; strictly forbidding any change or innovation in the rest, where she would have the same order of service which was ordained and fet forth within her realm to be continued unalterably. And this her pleasure she fignified by her council to the bailly and jurats, in the following letter. After our very hearty commendations unto you; whereas the Queen's most excellent Majefty understandeth, that the Isles of Jersey and Guernsey have anciently depended You the diocese of Constance, and that there be certain churches in the same diocese well bareformed, agreeably throughout in doctrine as it is fet forth in this realm; knowing and therewith that you have a minister, who ever since his arrival in Jersey, hath used the like order of preaching and administration as in the said reformed churches, or as it is used in the French church at London: her Majesty, for diverse respects and considerations moving her Highness, is well pleased to admit the same order of preaching and administration to be continued at St. Helier's, as hath been hitherto accustomed by the faid minister. Provided always, that the residue of the parishes in the said isle shall diligently put apart all superstitions used in the said diocese, and so continue there the order of fervice ordained and fet forth within this realm, with the injunctions necessary for that purpose; wherein you may not fail diligently to give your aid and affistance, as best may serve for the advancement of God's glory. And so fare you well. From Richmond the 7th day of August, anno. 1565. N. Bacon. Will. Northamp. R. Lecester. Gul. Clynton. R. Rogers. Fr. Knols. William Cecil."

I am ashamed to say how the Queen's gracious concession was abused. The establishment in the other churches, so expressly fenced and guarded by her royal command, was daily undermined. The people were taught to dislike in it, now one thing, and then another. By degrees the very native clergy suffered themselves to be led away with prejudices against it, or perhaps to comply with what they could not help. So that in few years all church-order appointed by authority was subverted throughout the issand.

The like was done in Guernsey, whither a duplicate of the same letter as above, mutatis mutandis, had been fent to as little purpose. They who had it in their power, and whose duty it was, to have checkt these novelties, to wit, the governors in each island, St. Amias Paulet in Jersey, and Sir Thomas Leighton in Guernsey, were the most forward to encourage them; whether out of principle, or affectation of popularity, or a mean view of felf-interest in the suppression of the deanries, which of course must fall with the establishment, I will not determine. Perhaps all these might concur together. And now every thing being ripe for a thorough change, and new laws for an ecclefiaftical regimen, excluding episcopacy and liturgy, ready concerted and prepared, a fynod of the ministers and elders of all the islands was called to meet at the town of St. Peter Port in Guernsey; where, in presence of both governors, those laws received the fanction which fuch an affembly could give, and were fet forth under this title; police & discipline ecclesiastique des eglises reformées dans les isles de Jersey et de Guernsey, Serk, et Oriny, arrestées & conclues d'un commun accord par messieurs les gouverneurs des dites Isles, et les ministres et anciens, assemblez au synode tenu à Guernsey, au nom de toutes les dites eglises, le 28me jour du mois de Juin, l'an 1576, i. e. " The ecclefiastical polity and discipline of the reformed churches in the islands of Jersey and Guernsey, Serk, and Oriny, unanimously concluded and agreed upon by the governors of the faid islands, and the ministers and elders, assembled at the synod held at Guernsey, in the name of all the faid churches, on the 28th day of the month of June, in the year 1576."

Thus were we drawn to depart from that union with the Church of England, which was our happiness and our glory, to let in presbytery; of which after a time we grew no less weary than we were fond of it before, as will be shewn by and by. There was then a faction in England, labouring to overthrow that primitive and beautiful order, which with great deliberation and wisdom had been settled in the national church at its reformation from Popery. Nothing could please that party more, than to hear of what was done in these islands. It raised their hopes, and made them more insolent. As with people embarked in the same cause, they must needs now open a correspondence with us. To that end Cartwright and Snape, two sierce incendiaries, and noted leaders among them, were dispatched hither; whom the governors entertained with great kindness, making the first chaplain of Cornet-Castle, and the other of Mont-Orgueil, to each of which posts a competent salary was annexed. In what year precisely they came, and how long they staid, I cannot say. Mr. Strype sinds Cartwright in Guern-

Y

The Deans had an allowance out of the tythes, which was a drawback upon the revenue. So much faving therefore there would be to the governors, by the suppression of the deanries.

fey in 1595, and I find them both there at the holding of another fynod in 1597, in which they fate, and to which they subscribed, at the head of all the ministers, and next after the governors; Sir Anthony Paulet, son of Sir Amias, being then Governor of Jersey. I make no question but this second meeting was brought about by the management of the two agents abovenamed, in order to form a league or affociation betwixt us and the Puritans in England, fo that the polity and discipline might be the fame both here and there. In this fynod accordingly, held from the 11th to the 17th of October inclusive, it received farther fanction, and was confirmed by new subscriptions of the governors and all others present. It is digested into twenty chapters, and each chapter into several articles, but cannot come into this work without swelling it too much. Whoso pleases, may consult a translation from the French in Dr. Heylin's Survey, with his annotations (as he calls them) thereon . At the beginning of the great rebellion, when the faction renewed their attempts against the church, they caused the polity to be re-published, as the pattern they meant to go by in their intended reformation. One meets with this now and then in private hands, the title being a little altered, for there it runs thus: " the orders for ecclefiaftical discipline, according to that which hath been practifed fince the reformation of the church in his Majesty's dominions, by the ancient ministers, elders, and deacons, of the Isles of Garnsey, Jersey, Sark, and Alderney; confirmed by the authority of the fynode of the foresaid isles. London, printed in the year 1642."

It was a bold step in the governors, not only to suffer those unlawful assemblies, but to countenance every thing done therein by their presence and their signature. I call them unlawful assemblies, because they met, and enacted laws ecclesiastical, binding the subject, without the royal licence, nay directly contrary to her Majesty's injunctions. And what seems more surprizing still, is, that this should be done under a Queen jealous almost to a fault of her authority, and who ever looked on those new reformers as a turbulent set of men, dangerous to the state no less than to the church, as in the event they proved. Would she allow of that in these islands, which in other parts of her realm she pursued with all the severity of her laws? And yet so it is, that from thenceforth to the end of her reign, no marks occur or can be traced of her displeasure at what was acted here; and the innovators went on as quietly in their work, as if they had got a warrant from her for all they did. Whence 'tis reasonable to conclude, that the whole affair was artfully concealed and kept remote from her knowledge. She put

Chap. IV. An.

Life of Archbishop Whitgist. Book IV. Ch. XIV. and Append. Numb. XXI.

a special trust in the Paulets', and never suspected them of remissiness where they had power to make her obeyed, much less of being biassed by private and selfish views to prevaricate with her.

Well nigh thirty years had we thus stood broken off from the Church of England, when King James came to the crown. To whom it was most untruely, yet with an amazing assurance, suggested, that the discipline had been permitted and allowed to these islands by the Queen his predecessor. The supplicants therefore prayed to have the same confirmed by his Majesty. The King had scarce been three months in England, when the petition was brought up. So that it looks like a design to prevent by the earliest application his being better informed, and learning the truth from some other hand. And though in the confirmation below, mention is made of the Lords of the Council, I cannot help thinking that the matter never came before them; their Lordships having in the council-books wherewith to confront that consident affertion of the Queen's unlimited indulgence, I mean their own letter to the bailly and jurats recited above. But the party never wanted a friend at court. Some body in place and credit helped them out on this occasion, and procured a favourable answer to their address, in the form following.

JAMES R.

JAMES by the grace of God King of England, Scotland, France, and Ireland, &c. Unto whom all these presents shall concern, greeting. Whereas we ourselves, and the Lords of our Council, have been given to understand, that it pleased God to put it into the heart of the late Queen, our most dear sister, to permit and allow unto the Isles of Jersey, and Guernsey, parcel of our Dutchy of Normandy, the use of the government of the reformed churches in the said Dutchy, whereof they have stood possessed until our coming to this Crown: for this cause, we, desiring to follow the pious example of our said sister in this behalf, as well for the advancement of the glory of Almighty God, as for the edification of his church, do will and ordain, that our said Isles shall quietly enjoy their said liberty, in the use of the ecclesiastical discipline there now established; forbidding any one to give them any trouble or impeachment, as long as they contain themselves in our obedience, and attempt not any thing against the pure and sacred

word

There cannot be a greater instance of this trust, than her committing the unfortunate Queen of Scots to the keeping of Sir Amias Paulet.

word of God. Given at our Palace at Hampton-Court, the 8th day of August, An. Dom. 1603, and of our reign in England the First.

shower others their Delical unclaimingle serie dufficient of those deliber, and prepared

This new grant (or confirmation) obtained upon a false allegation, must be void and null in the very nature of the thing. For is it not clear as the fun, that the party had extended the Queen's favour beyond the bounds she had set to it? She granted them one church, and they invaded them all. With what face could they tell her fucceffor, that the had given way to the change they had made over the whole island? Is there not a great deal of obliquity in all this? However, such was the lenity of those times. that the thing was no farther inquired into; and they enjoyed the fruit of their guile and deceit to the death of the Paulets, and the coming of a new governor to Jersey. This was Sir John Peyton', a gentleman no way disposed to give up any point whereby that office should be lessened in power or income. By his patent he had all the benefices in the island, the deanry only excepted, left to his nomination. But here he found a difcipline encroaching on that right, fo as to reduce it in a manner to nothing. For though the colloquy ' feemed willing upon occasion to pay him a compliment as patron, yet in reality they bore themselves as such; refusing to admit any for minister of a church, who had not a vocation, as they worded it, or call from themselves; that is, who was not in effect of their own choice and election. Hence arose contention and strife, both fides standing stifly on their several pretensions. It came at length to pass. upon vacancy of a church, that a native who had studied at Oxford, and been episcopally ordained, applied for the living to the governor; who himself 'tis not unlikely fet him on to ask it, as foreseeing that the colloquy, by having a person of that character put upon them, would be provoked to some extravagance, of which he well knew how to make advantage. And thus it proved. For they, stomaching and resenting it

Betwixt the Paulets and Sir John Peyton, came in Sir Walter Ralegh; but his government was fo short, that it may here be passed by.

The better to carry on the discipline, there were three powers set up in subordination one to another.

The consistory, that is to say, the ministers, elders, and deacons of a single parish, consulting every Sunday, or occasionally on any other day, about things relating to the church, with a more special eye to the manners and behaviour of the people within their district.

The colloquy, or assembly of all the ministers and elders of one island, meeting together at sour stated times in the year, in whom resided the authority of give imposition of hands to proposants, or candidates for the ministry.

The synod, or ecclesiastical legislature, having the direction over all; to be held alternately in Jersey and Guernsey once in two years, or oftner if need were, by a deputation of ministers and elders from the colloquies. In the colloquy of Guernsey the smaller islands were comprized.

as the highest breach that could be made in their discipline, would by no means be brought to acknowledge the presentee as one lawfully called. So the matter was carried above, where their narrow uncharitable spirit sufficiently exposed them, and prepared the Lords of the council to have less regard to what should afterwards come from that quarter.

This was not all: For they also embroiled thmselves with the civil jurisdiction, chiefly through the arbitrary proceedings of the confiftories, who would meddle in every business, pry into the secrets of families, and bring under their censures the smallest errors in the domestic life. Against such vexations, the sufferers implored the protection of the magistrate, and prohibitions went forth, to repress the petulancy of those little parochial tribunals that affumed fo much to themselves. And when once the court shewed an inclination to look into those matters, and to take the discipline down from its heights, complaints and accusations ceased not to come in daily, in which the ministers were not spared. A warm fellow brought in a charge against them of tyranny and hypocrify. Hereupon the people were miferably divided. For as the aggrieved were not few, fo those many elder, deacons, and under-instruments engaged in maintaining the discipline, made up a pretty large body. The better fort of the inhabitants, feeing those confusions, and dreading the consequences of them, began to bewail their departing from the wifer and more moderate government of the church of England, and to east about how to retreat, and return to the same. They were now reconciled to episcopacy and liturgy, after trial of the inconveniences attending the way they had been in, and in pursuance of those sentiments drew up a representation to be laid before the king and council. Both fides making their appearance there by deputies, the disciplinarians wanted not confidence to plead their cause, and to support it with the best arguments they could devise. I omit what passed in those debates; complaints, answers, replies, &c. which for a long space took up the patience and attention of the most honourable board. Their lordships saw, that unless the ministers were left to recover themselves from their prejudices by length of time, and had some latitude allowed them in the use of the forms prescribed for divine service, they would infallibly run into a fchism, and the people would be more divided than ever. This was by all means to be prevented, and nothing done that should exasperate. With great mildness therefore it was declared to them at the board, by the mouth of archbishop Abbot, " That for the restoring of peace and good order in the island, his majesty found it necessary in the first place to revive the office of dean, and would appoint to it one from among themfeives

themselves, who should have instructions given him by way of interim , for his and their present conduct, till things could be more perfectly settled. That to attain to fuch fettlement, they were to go back to their respective charges, and confer with their brethren in the island, about compiling a new body of canons and constitutions, as near in conformity to the church of England as their laws and usages, (to which his majesty had no intention to derogate) would bear. That the liturgy, which had formerly been translated into French for their use, should again be sent to them, yet without tying them to a strict observance of every thing therein 2; his majesty having so good an opinion of their judgment, that he doubted not but the more they grew acquainted with the book, the better they would like it." This gentle dismission, without sharpness, or angry reflections on what had passed, wrought the ministers into a temper, and they went, and prepared a draught as they were enjoined. They had before them the canons of the church of England, and from those they collected heads and materials for their work; not forgetting here and there a sprinkling of their polity. But whereas they had been directed to advise with the civil magistrate, to the end there might be no clathing thereafter betwixt the two powers: this it feems was not done entirely to the fatisfaction of the latter; who, therefore, when the ministers went up with their scheme, followed it with exceptions. The king had commissioned the archbishop of Canterbury, Abbot, the lord keeper, Williams, bishop of Lincoln, and the learned Andrews, bishop of Winchester, to examine what the ministers should offer. Those reverend prelates confidered every article maturely. In the whole, some things they expunged, others they modified, and they filled up deficiencies. Briefly, all farther contradiction ceafing, and the parties declaring their acceptance of the faid canons and constitutions in the form to which they were now brought, the same were laid before his majesty, and received his royal affent June 30, in the year 1623, being the twenty-first of his reign. That by the length of them our narration may not be broken and interrupted, as in the former edition, I have removed them into the Appendix, Numb. XII.

n difference about other

For pacifying the troubles of religion in Germany, the Emperor Charles V. did put forth certain articles, which he called an interim, to hold only until the determination of a general council. Sleidan Hist. lib. XX. ad an. 1548.—King James, who had read, and was learned, affected to give his instructions, which were but for a time, a like name. See the preamble to the canons.

The interim dispensed with the three ceremonies so much controverted in England at that time, viz. the use of the surplice, the sign of the cross in baptism, and the administering of the Lord's supper to the people kneeling.

Thus did the church of England, like an indulgent mother, take us again into her bosom, after we had for half a century estranged ourselves from her, and been under a presbytery. But why (may some object) did not we upon such our return, submit to all her well-known rules and orders, without having particular canons made for us? Why this fingularity? The reasons are obvious enough from what has been said already; nevertheless to clear the point still farther, I will add, First, that this was occasioned through the necessity of complying with the laws and usages of this island. For though in matters of faith, and institutions of divine or apostolical appointmet, and in whatever else is held effential to an orthodox Christian church, there cannot be too great an uni formity; yet in the outward face and habit of the fame church, fome things may not fo well comport with the conftitution of one country, as with that of another; and confequently neither need, nor indeed ought, to be equally urged and infifted upon in all places. The canons of the church of England are accommodated to the laws of the kingdom, and both tally very justly together; whereas here, they would have met with ftubborn old customs, apt at every foot to jar and contend with them, so that the peace fought by our return to the church, must have been as distant from us as before. In one word, we think not our felves the less of the church of England, because of some variations in matters of mere circumstance only. Again, Secondly, the danger which threatened us of a schism (through the obstinate adhering of some to the discipline, and the going back of others to the church) required to have things fo moderated and attempered, that all might be brought to unite if possible in one common system; and for that end these canons were given us, and were framed with great condescension to the troubled state we then were in. Nothing justifies the wisdom of any measures like success. And so it very happily proved in our case. For the canons were well received in the island, and the end was attained for which they were defigned. The ministers, who had the first drawing of them up (and no small point of wisdom it was to charge the ministers with that work) could not consistently with themselves, after the advances they had made, do otherwise than set an example of conformity to the people. Hence it came, that the churches thronged with the same numbers as usual. No separate congregations were gathered in opposition to the public worship, nor from that day to this has there been a conventicle in the island. Here may be seen four or five hundred orderly communicants at the facrament at a time, even in country churches. 'Tis true that the interim difpenfing with genuflexion, the communicants for a while remained in a flanding posture during the action, but now all receive reverently upon their knees. To finish this argument, a perfect harmony and unanimity in religion reigns amongst our people. If they are not so happy as to be entirely free from disputes about other affairs

affairs, they have at least the comfort of " walking together into the house of God as friends." A stantary angular and virginian and slivip and drive senses and adjusted

longing to it a greiner or regular, two amocares or proctors, with an apprenting and There had been no dean in Jersey since Paulet the last Popish one in Queen Mary's time. That office being now revived, was conferred on the reverend Mr. David Bandinel', recommended by archbishop Abbot, who took early notice of him, and distinguished him from among the other deputies negotiating for their brethren at the council-board. The archbishop was too good a man, to have employed himself for one that had not abilities to fustain that office with dignity; and the character which Doctor Heylin * gives of Dean Bandinel, from the acquaintance he contracted with him in the island in the year 1628, confirms very advantageously the archbishop's opinion of him. Now as the bailly here is at the head of the civil, in like manner is the dean at the head of the spiritual jurisdiction; and as one has the jurats for his affesfors, so has the other the ministers; to wit those who are rectors of the churches, not mere auxiliaries or lecturers only. And thus the constitution of the two courts is very much alike, the inftituted ministers coming in for a participation of the ecclefiastical regimen. They had the whole among them, whilft their colloquy and presbyterian parity subfisted; and it was thought reasonable to reserve them a share in conjunction with the dean, for the better keeping up the credit of their function. This, together with the right of entrance into the affembly of the states, gives the rector of a parish greater weight here, and makes him more confidered, than one in England having five or fix times his preferment. There feems also something primitive in this partnership of church power. 'Tis an imitation of those ancient councils of priests, whom the bishop took to sit with him in his confistory, and affist him in judging causes brought before him. Two or three ministers with the dean, or vice-dean, suffice to hold a court; but as many as

Pfal. LV. 15.

[&]quot; He was brother of Sir Hugh Paulet, and as zealous for Popery as the other was for the Reformation, though in a wrong manner.

This reverend person has left a worthy posterity amongst us. His grandson of the same name with him, David Bandinel, Esq. Seigneur de Bagot, was a man in whom this island might justly glory. A man of most singular prudence and address in all affairs and concernments of life. Many years he sate on the bench of justice, with great honour to himself, and no less benefit to the public, through those moderate and healing counsels which he always pursued, and which he had a peculiar art and faculty of infinuating into others. Indeed the peace of the country seems to have died and expired with him. He was my guardian in my nonage, and I had so many obligations to him otherwise, that 'tis the least thing I can do, upon this occasion of mentioning his ancestor, to consecrate these sew lines to his memory

⁴ Survey, Ch. VI. page 386.

please may come, and the opinion is to be taken of all that are present. This court keeps the same terms with the civil, but ordinarily sits only upon Mondays, and has belonging to it a greffier or register, two advocates or proctors, with an apparitor and others to execute its summons. For the rest, let the canons in the Appendix be consulted. One thing however I may not pass unobserved, because 'tis part of our privileges, viz. That when an appeal goes from this court to the bishop of Winchester, as superior ordinary, or (in case of the vacancy of that see) to the archbishop of Canterbury, those prelates are to hear and determine the same in their own proper persons, and not send us to substituted judges or officials, on whom we in no wise depend. Their sentence moreover must be final, freeing us from the trouble and expence of farther proceedings before delegates.

bing. Now as the badle Bord is the bond of the city, it like begins is the dean as The number of the beneficed clergy, or incumbents, including the dean is just equal to that of the parishes. And so populous are these, that a minister, exerting himself with diligence and fidelity, will always find abundant employment in the care of one only. Therefore our canons absolutely forbid pluralities, albeit the smallness of the livings (were that principally to be regarded) might render the same as justifiable here, at the least, as where law and custom allow of them. Most certainly the provifion for the clergy in this island is no way adequate to their labours. The same canons which tye them down to a fingle living, oblige them to conftant duty in the pulpit twice every Lord's-day, not to fpeak of their contingent weekly work. Will it be permitted me to fay, that even their happiness in being universally owned and followed by their people, increases their burthen? whilst in England the rejecting all service and affiftance of the parish-minister by differents, brings him ease, though not such as a good man would make his choice. Much of their time is taken up in vifiting their tick; who more earnestly than I have observed in other places, defire the company and consolations of their minister in an hour of trouble and affliction. I omit many things of the like nature. And now what encouragement have they to bear them up under all this? I speak of worldly encouragement. For as to the inward satisfaction springing up within their own minds from a conscientious discharge of their duty, 'tis what will confist with any outward state and condition. Their dividend out of the tythes, according to the extract from the black book of Coutance inferted above, is mean and infuf-

ficient,

The deanry is not a thing at large, as some dignities in Englend. Ever since its being revived a cure has constantly gone along with it; whereby the dean is as much obliged to reside, and to labour, as the meanest of his brethren.

ficient, and some of them have no title even to that. Their novals', more commonly called deferts, which are the tythes of small parcels of land not yet broken up when the alienations were first made in favour of the monasteries, but fince brought under culture, are inconsiderable, and still become more so by the encroachments of the under farmers of the king's revenue. The governors would have fwallowed them up all at once, had they not been restrained by a decretory letter of the privy council, June ult. 1608. Those profits and emoluments called surplice-fees in England, are things for the most part unknown here, and I believe were formerly dropped by the ministers themselves in pure aversion to the name. Their best income at this day arises from the improvement of fruit-trees for cycler, which is a maintenance very cafual and uncertain, all years not being equally productive, nor every parish planted alike. Again, here they are fixed for life, quite out of the way and road of preferment. If fometimes they feek to be removed from one benefice to another wirhin the island (for two together they cannot hold) 'tis oftner for reasons of convenience, than of advantage; the difference in the value of the faid benefices not being fo great, as to make them much gainers by the change. The deanry is the only thing they can have in their eye to animate them, and to flatter their hopes. But besides that one only can have it, in a succession of perhaps many years, a cruel attempt was lately made to bring in a French profelyte, a person unqualified, over all their heads, to the creating a precedent that must have taken away all heart and courage from them. I know but one particular wherein they are a little eased in point of interest, which is, that instead of being themselves at the charge of keeping up their presbyteres, as the English clergy are their parsonage and vicarage-houses, the same falls on the respective parishes; but there must be no neglect on their part to preferve those manses from the injuries of the weather.

Such is the temporal state of the clergy here, of which some account seemed necesfary, in order to shew the reasonableness of giving them better encouragement, if possibly a way may be found to effect it. And why should we despair of it, knowing what

In the old Latin writers de re rustica, Novalia (in the plural) fignify lands newly ploughed, whether the same were never ploughed in former time, or are ploughed after having been only laid fallow and at rest some years. Here, by novals we mean, not lands, but tythes; and them not of the latter, but of the first sort of lands. Therefore called also deserts, because they are tythes of lands once wholly neglected and uncultivated. Thus (for example) supposing the practice of this island to run in England, wood-land, grubbed or stocked up, and never known to have borne corn before, would pay tythe to the vicar, and not to the impropriator.—NOVALE, Terre nouvellement describe, & mise en valeur,—Cette Terre n'est pas de la grosse Disme, c'est une Novale. Les Novale appartiennent aux Curez, par preference aux Gros Decimateurs. Furetiere Diction.

at this very time is doing in England? where, what through the beneficence of the late Queen Anne, of pious and religious no less than triumphant memory, in giving up her revenue of the first fruits and tenths for a perpetual fund of charity to the more indigent clergy; what through the generofity of not a few worthy owners of impropriations, in augmenting small vicarages with a portion of the great tythes or a pension in money; many poor incumbents have already been in some measure relieved, and a prospect is opened for others to hope for the like fuccour and affiltance in their turn. By rules and orders declaratory of her majefty's gracious intention', every living in England the real value whereof does not exceed fifty pounds per annum, is reputed poor, and entitled to the royal bounty. Now it may eafily be made to appear, that all the livings in this island, rated one with another, fall considerably short of that sum. Which I do not mention by way of complaint for our being left out of that charity. I am fensible we had no claim to it, neither therefore did we use any endeavours to be comprehended in it. I urge it only for proof of the infufficiency of fuch a yearly income, for the fupport and encouragement of one who has devoted himself and the labours of his whole life to the service of religion, and the cure of souls, seeing it has been so judged and declared in England. Nay, I will venture farther, and be bold to affirm, that in true construction and estimation of things, a living of no greater value is really poorer here than in England, inafmuch as it must ever go fingle, by the canon against pluralities. But though the queen's bounty respects us not directly, it may be of great benefit and advantage to us, by fetting a noble example to fucceeding princes of goodness and compassion towards a suffering clergy. And as we of these islands are more intimately attached to and dependant on the crown than others of its fubjects, fo I trust we may presume on suitable returns of grace and favour from it. It was doubtless a most fatal error at the diffolution of monasteries, to confound the tythes originally belonging to parish churches, and afterwards by papal authority appropriated to those houses, to confound them (I fay) with other superfluous and superstitious endowments, and so secularize all together. Surely a distinction ought to have been made, being things of a very different nature. And indeed nothing has cast a greater reproach on the reformation, and given its enemies a more specious handle to charge it with the guilt of sacrilege, than that unhappy transaction. 'Tis an evil now past remedy, unless from the voluntary benefaction of the present possessors of those tythes; many of whom (it must be gratefully acknowledged) convinced of the iniquity of the thing, and pitying the impove-

Z 2 rished

See Mr. Ecton's State of the Proceedings of the Corporation of the Governors of the Bounty of Queen Anne. Lond. 1721.

rished churches, have thought themselves bound to make some restitution. In doing whereof, as they have exonerated their consciences in proportion to their liberality, to have they wifely confulted their temporal interest; if there be truth in the obfervation, that no effate ever prospered that was got out of things consecrated to God, no not though the things had been abused to superstition, because it was possible to convert them to better purposes. The religious houses in Normandy being out of the reach of Henry VIII. the great destroyer of such in England, all he could do was to feize on what they held here; which accordingly he did, and, together with the rest, the tythes of the parishes. These tythes are still in the crown, whereas in England they were generally and most profusely squandered away among favourites and courtiers. Queen Elizabeth at her accession found some yet undisposed of, which (says Bishop Kennet') she was ashamed to keep, and therefore made haste to exchange them for manours and lands of vacant bishopricks 2; as perhaps thinking it a less evil to take the latter into her hands, than to increase her revenue with the portion of the priest serving at the altar. And fo (as far as I can find) the crown had quite rid itself of those tythes. except in these islands, where it retains the property of them, and the governors enjoy them in part of their falary, which is only a temporary right, ceafing at the expiration of their office by death or removal. And no doubt 'tis much better for us that the faid tythes have continued in the crown, than if they had been made lay-fees, as in England; there being more reason to hope for commiseration to the clergy from a great and magnanimous king or queen, than from subjects and private persons, often of narrow tempers, and unfriendly to the church. And here it can be no offence to point to some ways and means for bettering the condition of the clergy in this island, by the bounty and largefs of the crown. The first, and most beneficient, would be to reinstate them in the full tythes, their ancient patrimony, wrested from them by Popish usurpations. All which though it may feem much to give back at this day, is well known to be no more than what some choice and noble spirits 3 have done in England, to their great honour, and (I dare fay) the peace and quiet of their The fecond, not coming up to the former, yet still an act of grace minds.

The case of impropriations, and of the augmentation of vicarages, stated by history and law, from the first usurpation of the Popes and Monks, &c. Lond. 1704. In handling the present argument about tythes impropriate. I have had this most useful book always before me; and wish the reader would take it likewise along with him, as he goes over this paragraph.

^{*} Concerning that exchange, See Mr. Strype's Annals of the Reformation during the first twelve years of Queen Elizabeth, ch. vi. and his Life of Archbishop Parker, book i. ch. ix.

² See the names of several of those excellent persons in Bishop Kennet's Case of Impropriations, pag. 223. and in other parts of that work.

and goodness, would be, to grant to each incumbent a lease of the tythes of his parish, under such covenants, as to leave room for him to make some advantage of them in letting them out again to his parishioners. By the benefit of such leases, the poor clergy in Ireland (the tythes of whose churches were, as here, in the crown) got relief, and had a more comfortable provision made for them, in the reign of the blessed Martyr King Charles I. at the intreaty and joint sollicitation of the incomparable Primate Usher, and Bishop Laud, then of London. And this is a very good example; for a suller account whereof I refer to the King's order thereupon to the Lords Justices of that kingdom, set down at length among the notes underneath. The third, and lowest,

In the new extent or rental of the King's revenue, made an. 1668, the yearly value of the impropriate tythes in the crown is declared and afcertained. The clergy would be well contented to have them demiled to them upon those terms, and the revenue would suffer no diminution.

² Right trufty and well-beloved coufins and counfellors we greet you well. Whereas our late dear father of bleffed memory, did (by his instructions for the good and wellfare of holy church in our realm of Ireland) ordain and command, that all fuch impropriate parsonages as were his own inheritance, and held by lease from the crown, ever as the faid leafes expired, should be thenceforth let to the several curates and ministers of all fuch churches, that were to attend the cure of fouls, and from time to time should be incumbent upon the Several parsonages, they securing his Majesty the rents, duties, and fervices reserved upon such leases; which order we also out of our own like zeal to God's glory, and advancement of true religion, have likewise here. tofore confirmed by our royal letters of the 8th of July, 1626; all which notwithstanding, we are now to our great displeasure informed, that since the giving of our said father's letters, and our own, sundry leases of tythes, upon expiration, furrender, or otherwife, have been again let to laymen, and not to the incumbents of the faid churches, to the wrong of our religion, and breach of our commandment, whereof we shall not fail to take account in time convenient. But for your better affurance of fuch our pious and princely grant unto the church of that our realm in time to come, we have thought good to declare, and by these our letters. do declare unto you, that our princely will and pleafure is, for us, our heirs and fucceffors, to give and grant the reversion of all such reservations as formerly have been expressed irrevocably unto Almighty God, and to the particular churches within that our kingdom unto which fuch tythes did anciently belong, and to the feveral incumbents which shall happen to be in the faid churches when such leases shall expire, or be otherwise determined, and to their fucceffors for ever; giving hereby the feveral incumbents, and their fucceffors, which shall be when it shall happen the said leases to expire, or otherwise to determine, full power to enter into posfession of the whole tythes; paying only unto us, our heirs and successors, such rents, duties, and services, as are now payable out of the same respectively; and charging our officers of our exchequer in that kingdom, to receive the same in such manner and form as now they are received, without any further charge or exaction upon the faid incumbents. And for the effecting this our godly purpose and princely donation, we do hereby authorize and require you, that upon the fight hereof, you, by the advice of our learned counsel there, do forthwith make out under the great seal of that our kingdom, such grant and grants, as shall be necessary and requifite for the fettling and establishing of all such impropriate benefices upon the corporation of Dublin, or Londonderry, within that our kingdom, as shall be most convenient and available for the church, to the use of the faid incumbents, and their successors for ever. And our further express will and pleasure is, that whenfoever it shall happen the faid leafes, or any of them now in being, to determine, you or our justices for

lowest, and perhaps more feasible way, would be, to charge the tythes with an annual augmentation to the livings, in like manner as is practifed in England in the case of fmall vicarages, by charitable patrons and impropriators; numbers of whom, both of the laity and others, have done very honourably in this particular, and have helped out many a depauperated cure . Now the crown being both patron and impropriator here, 'tis fo reasonable for us to hope for the same favour (I had almost said justice) from it, that when I look back to times past, and call to remembrance how good and gracious our Princes have ever been to us, in how many much greater instances they have displayed their royal munificence towards us, I cannot but think 'tis owing purely to our own indolence, and neglect of due application to the throne, that the thing has not been done before now. I am well affured that less than the yearly sum of two hundred pounds, given in this way of augmentation, and parcelled out among the clergy here, in proportion to the greater or less value of the livings, would be received with the utmost thankfulness. And if it be said, that such a substraction from the tythes would break in upon the governor's patent, which lays claim to the whole, I answer, that 'tis not pretended this benefaction should take place during the life of the possessor, but only from the passing of a new grant to the next in nomination to that office. For then the crown being difengaged, would be at liberty and have it in its power to make what refervation it thought fit out of the revenue; which being turned into an augmeneation to the clergy, the crown would thereby part with nothing but what went from it before another way. Such refervations have been very usual with us, infomuch that when Sir Walter Ralegh himself had the government given him by Queen Elizabeth, she Aruck off three hundred pounds a year from it 2, which she took into her own disposal, and

the time being, or other deputy, chief governor, or governors, that shall be hereafter, shall hereby be enabled to present the then incumbent unto the same church, by the title of the full rectory thereof, as unto other churches of our patronage: reserving as aforesaid the rents, duties, and services formerly reserved unto us. And these our letters, &c. [From the Paper-Office.]

What in England goes by the name of augmentation, is in France called Portion congrue, and depends not on the liberality of him or them who have the Grosse Disme, but is settled by royal edicts, and the quantum fixed at three hundred livres per annum. This, superadded to other various perquisites, affords the meanest Curé de Village, i. e. Country-Vicar, a subsistence beyond the scanty lot of many a worthy Minister of the Church of England. One must therefore make a great abatement of what Bishop Butnet says of the poverty and wretchedness of the parochial clergy abroad, in the Introduction to the third Volume of his History of the Reformation, page XV. But 'tis not yet forgot what temper the Bishop was in, and what ends he meant to serve, when he so hastily sent that Introduction, and the new Presace to the third edition of his Pastoral Care, to the Press.

Apud Rymer Foed. Tom. XVI. pages 398—400.—Volumus nihilominus, et per Præsentes reservamus Nobis, Hæredibus, & Successoribus nostris, durante tota vita ipsius Walteri, pro & ex Custumis dictæ Insulæ.

and made that great man, so renowned for his eminent services to her and the whole nation, be contented with the remainder blow was aldied from against the services and the whole

augmentation to the livings, in like manner as is practified in England in the cale of

It may be expected that I should take notice how the churches here are supplied and recruited upon vancies. At the beginning of our reformation, and all the while we lay under a presbytery, nay even fince that time, the youths of this island defigned for the ministry were sent to study among the Protestants in France, and particularly at Saumur, after the famous du Plessis Mornay had brought professors to teach academical learning in that town, of which Henry IV. had made him governor. Those our young countrymen being to preach in French, it feemed most suitable to have them educated in a place, where by hearing that language spoken in its purity, they would be inabled at their return to the island to appear in the pulpit with greater advantage. But thence arose an inconvenience for which no refinements of language could make amends, namely, their being trained up in foreign fystems, and taking a tincture of principles. and opinions not altogether confiftent with those of the Church of England. When therefore the gentlemen of the island attended the council-board about our re-union to the faid church, the King was humbly moved to allow some places in one of his universities to the benefit of the same young persons, to the end that the hope and expectance thereof might draw them thither, and they by that means have their studies put under a better direction. The thing was more readily promifed than it could be executed. Such places were to be founded on purpose, and the court shewed no haste to go about it. In fhort, all was at a ftand till Archibishop Laud came into power, whose large and active foul embraced and took in the care of all the churches. It happened very providentially, that a good effate, confisting of houses in London and lands in

Infulæ, Reventionibus, Proficuis, & Emolumentis, cæterisque omnibus & singulis Præmissis præconcessis, annualem redditum trecentarum librarum legalis monetæ Angliæ, solvendum annuatim per præsatum Walterum Ralegh, Nobis, Hæredibus, & Succefforibus nostris, ad duos anni terminos usuales; videlicet ad Festa Sancti Michaelis Archangeli, & Annunciationis Beatæ Mariæ Virginis per æquales portiones, ad receptam Scaccarij nostri, Hæredum, & Succefforum nostrorum: Proviso semper, quod si prædictus annualis redditus, aut aliqua indè parcella, Nobis, Hæredibus, & Successoribus nostris, per Præsentes reservatus, a retrò suerit & infolutus, in parte vel in toto, per spatium quadraginta dierum post aliquod Festum Festorum prædictorum in quo folvi debeat, tunc quotiescunque Thesaurarius noster Angliæ, vel Subthesaurarius Scaccarij nostri prædicti, pro tempore existentes, aut corum aliquis, notitiam inde dederint vel dederit dicto Waltero, aut suo Deputato prædicto, si prædictus annualis redditus, aut aliqua inde parcella, Nobis, Hæredibus, & Successioribus nostris, a retrò fuerit & infolutus per spatium triginta dierum post aliquam notitiam sic ut præsertur datam, ex tunc hæ Litteræ nostræ Patentes, & omnes Auctoritates, Jurisdictiones, Res, & Concessiones in eisdem contentæ, vacuæ erunt, & nullius in lege vigoris, aliquo in Præsentibus non obstante; Eo quod expressa mentio, &c .- In cujus rei, &c .- Teste Regina apud Westmonasterium vicesimo sexto die Augusti, An. 1600 .- Per ipsam Reginam. Bucking-

Buckinghamshire escheated to the crown. The Archhishop laid hold of the opportunity, and, preventing the courtiers, got a grant of it from King Charles I. for the endowing of three fellowships in Oxford ', for the Islands of Jersey and Guernsey, to be held by them alternately; the alternation to proceed in this order, viz. that on which foever of the two islands the election of two Fellows should chance fall first (as it must of necesfity be) the other island should come in for the two next turns, and so on in a continual rotation for ever 2. It was withal provided, and declared to be the good King's intention, that after a competent time spent in the University, the said Fellows should go back to the islands, ibidem Deo servituri, i. e. there to serve God in the work of the ministry. None therefore but they who from the beginning defign to enter into holy orders, are regularly eligible into those places. 'Tis an abuse, and a contradiction to the will of the royal founder, that any should enjoy them, who have in view and are in pursuit of other professions. To those three fellowships there have been fince added five exhibitions or scholarships in Pembroke-College, each of twelve pounds per annum; not alternating as the former, but so divided and proportioned betwixt the two islands, as that Jersey being the biggest has three of those scholarships allotted to it, and Guernfey which is lefs has only two. These were given by that most pious and public-spirited prelate, our honoured diocesan, Bishop Morley, upon his taking into serious consideration, that the inhabitants of these islands have not those advantages and encouragements for the education of their children, which on their behalf are defirable, and which others of his Majesty's subjects do enjoy, as 'tis' expressed in the instrument of donation 1; wherein also are much the same limitations as in the King's grant, which therefore I shall not repeat. Now those endowments have so far operated, and done good, that our students have generally ever fince taken their learning in Oxford, and consequently been there seasoned and principled like others of the English clergy. None go

^{*} Viz. one in each of the three Colleges of Exeter, Jesus, and Pembroke.

Volumus—Quinto, si prima Electio de duobus ex Insula de Gernsey, ac de uno tantum ex Insula de Jersey, aut è contrario acciderit, quod tunc proxima Electio sacta suerit de duobus ex illa Insula de qua unus tantum sic primo eligi contigerit, ac eodem modo alternis vicibus hujusmodi Electiones sactæ suerint in perpetuum.—The two first elected for Jersey were Mr. Poindextre, whose name so often occurs in this work, and Mr. Brevint, mentioned in the Introduction; both turned out of their sellowships for their loyalty, by the Parliament-visitors in the year 1647. See Dr. Walker's account of the sufferings of the clergy, &c. Part II. page 116 and 120.

Intentio nostra est Regia, ac sie per Præsentes declaramus, quod infra tempus conveniens, prædicti Socij vel Scholares eorundem seperalium Collegiorum respective, ad seperales Insulas prædictas respective, super promotiones idoneas eis oblatas ibidem Deo servituri revertantur.

An indenture tripartite betwixt the faid Bishop, the Dean and Chapter of Chris-Church, Oxon, and the Master of Pembroke College.

now to outlandish schools, and those ministers with us who had been disciples of Gomarus', Cameron, and other professors of Saumur, as long fince extinct. But then on the other hand it has too often happened, that when the same young gentlemen have by the benefit of those endowments attained to a capacity of serving their country, they have declined that service, deterred and disheartened at the smallness of the preferment waiting their return home. They have chose to remain in England, hoping for somewhat better there; and so have made room for strangers, French refugees, of whom we are never without some among the native instituted clergy, besides those who are taken in as secondaries and affishants. Thus has the end of those endowments been in great measure frustrated and defeated, nor will it or can it be otherwise, untill it shall please the crown to raise the livings here to what may reasonably be deemed a sufficiency, in one or other of those ways which I have taken leave to indicate in the foregoing paragraph. Some years before these foundations by King Charles I. and Bishop Morley, a plain honest man of the island had given two and thirty quarters of wheat-rent to the same good purposes, on special condition that only such poor scholars as shewed a towardliness and disposition for learning, whilst they wanted means to support the charge of going to the University, should come in for the whole or a share of that charity. This is what we call le don de Laurens Baudains. And as for those first rudiments which must prepare and fit a lad for the college, we have two free-grammar schools, indifferently well rented, and so feated in compliance to the oblong figure of the island, that each ferves commodiously enough for the children of fix parishes. To the east, and in St. Saviour's parish, is the school of Saint Magloire, taking its name from the apostle of the island; to the west, and in St. Peter's, is that of Saint Athanase, or (which I think truest) Saint Anastase. These are wholly under the direction and government of the Dean and Ministers, with absolute exclusion of all others whomsoever; for which the founders Neel and Tehy, (the first, Dean of Prince Arthur's chapel; the other, a merchant in Southampton, but both originally of the island) got a patent from King Henry VII. By fecreting that patent, the clergy were for feveral years kept out of this right, nor could they recover it but by an appeal above, where an attested copy from the rolls foon decided the matter in their favour. And to obviate a like attempt for the future, I am defired to print the faid patent among the other records in the Appendix, Numb. XIII. It may feem a trivial remark, which nevertheless I cannot forbear making, viz. That here, even among the meaner fort of people of either fex, there are few but can read and write, fewer indeed than are commonly feen elsewhere.

Aa

Nothing

From Saumur, Gomarus was called to the Divinity-Chair at Leyden in Holland, where he became the leader and prime champion of the rigid predestinarians.

Nothing is more wanted in this island than a public library, the place being out of all commerce of the learned world, and the clergy through the meanness of their income under a disability of laying out much money upon books. And such a library should not (I think) be solely appropriated to the clergy, but free and open to the better fort at least of the laity, and be furnished accordingly. Reading would give our gentlemen juster notions of things, enlarge their minds, and render them more useful and serviceable to their country. There is already some advance made towards this, by the promise of more than two thousand volumes in most kinds of good literature, the execution of which promise is only suspended till a convenient place can be provided for the reception of the books.

Concerning the churches here, their antiquity, their strength and stability, fomething has been spoken already. They are gothic structures, large and capacious, and so they need be to contain the people reforting to them. Most of them have lofty stone spires, whose height added to that of the land, has once or twice in my time exposed them to be struck and their tops thrown down by lightning. Thrown down, I fay, not burnt, as spires of timber cased with lead are liable to be, to the destruction of the whole pile. if the flame be not kept from gaining the roof below. Here, the roof of those fabricks is a folid arch or vault of stone, without a stick of wood employed therein, the outward cover of blue flate being laid immediately upon the stonework, in a bed of strong cement or mortar. This was the Norman way of building churches fix or feven hundred years ago, and a good defence it is against fire and decays by time. But such places are subject to damps, sticking to and discolouring the inside of the walls, which for that reason require frequent washing and whitening, to keep them neat and clean. Herein I must own we are too negligent, as well as too sparing in such farther ornaments as would well become places where we believe God vouchfaves his special presence, and meets his people to receive their prayers and to bless them. And yet there is in every parish a fund for that very purpose, thence called le Tresor de l'Eglise, i. e. the treasure of the church, confifting of feveral quarters of wheat-rents given anciently by pious persons for the use of those sacred fabricks. But an ill custom has prevailed, to make this fund (so far as it will go) answer all the calls of public service and expence, even the most fecular and foreign to religion. I am unwilling to charge such a misapplication with facrilege, but how it can be strictly justified, or construed to consist with the intention of the donors, I profess I do not understand!. This treasure of the church remembers.

^{&#}x27;The learned Mr. Poindextre's judgment concerning this practice, does by no means favour it, though he allows of cases of great and present necessity. For thus I find him delivering himself in some of his papers.

remembers me of another, viz. le Trefors des Pauvers, i. e. the treasure of the poor. fometimes called fimply la Charite. It is constituted like the former, but more fairly administered. Besides it, there is la Boéte, i. e. the poor's box, held by a Deacon at the church door every Lord's Day after divine service, whereinto well-disposed persons, as they go out, cast their offerings; an usage not unfit to be retained, though first introduced by those French reformers of whom mention is made above, who also brought in the name and office of Lay-Deacons, yet subsisting with us. Add to this le Tronc, which is a wooden engine strengthened with irons, fastened to the wall of the church without, having a cavity at top, and a flit or fiffure just big enough to admit of a crown-piece to pass through, the head (wherein the cavity is) made to open and shut under the security of strong locks and keys. The use of this is for the private conveyance of alms which the giver would have known only to God, the invisible witness and rewarder of every good work done in secret '; and 'tis seldom but at the opening there is money found, in greater or less quantities. By these and other means, such relief is laid in for the poor, as supersedes the necessity of recurring to parish-rates and affestments, unless in times of extreme scarceness and failure of the fruits of the earth, a calamity which through the good providence of God does not happen often. The wheat-rents are a certain fund, other things are more casual; and the whole amount of those rents for both Trefers, throughout the island, is 460 quarters, the particulars whereof will be feen in the Appendix, Numb. XIV.

None of our bishops since the reformation have visited us. To supply therefore in some manner the desect and want of confirmation, great care is had of the public catechizing of children. Private instruction goes before, and some competency of age is required; and then, their answering to the interrogations put to them at church, in the presence and hearing of the whole assembly, is understood and taken for a ratification of their baptismal vow, and an owning of the obligations of christianity, to the discharge of their sponsors. Nor can any more be done here, as we are circumstanced, to qualify catechumens for the Holy Communion, to which they are after this admitted.

To conclude. As in the former part of this work I have accounted for the several revolutions in our civil state, so in this last chapter I have traced from the beginning the various turns and changes which we have undergone in religion, to our final settling

'Je ne nie pas qu'il ne soit licite d'employer partie de ces deniers en cas de necessité urgente à la desense de l'Isle; mais je ne pense pas qu'on les puisse divertir a payer des Voyages d'Angleterre, a faire des Chausées, &c. car hors la necessité ce seroit facrilege

Matt. vi. 4 .- Thy Father which feeth in fecret, himfelf shall reward thee openly.

in the Church of England. I wish I could truly say, that our practice was in all things answerable to our profession, and did credit and honour to the excellent church which has adopted us. But we are fallen into evil times. When fo great and general a corruption, both in principles and manners, has spread itself every where, it would be next to a miracle if we were not tainted with it in some degree. Too sure it is, that we are much gone off from the good old way of our fathers, and that if we have enlarged our acquaintance and commerce with the world beyond them, it has not proved to the bettering of our morals. Having confessed thus much, I must do my country the justice to fay, that (blessed be God) we are not yet so deprayed and abandoned as to throw contempt on religion, and have the most awful and venerable institutions of it in derifion. To forfake christian affemblies and facraments, and live openly as an infidel (all of which it feems goes for nothing in some places) would here render a man infamous, and even debar him of public trusts and employments. The main reproach we lie under, is on account of our divisions. Now supposing them as great as they are represented, yet they who upbraid us with them, do it with a very ill grace, being themfelves far more obnoxious and divided. There are two points about which a people are most apt to break out into parties and factions, viz. religion and civil government. But in respect of these, we are all of one heart and mind, and there is not the least variance or disagreement amongst us. Diffenters we have none of any fort, as has been observed before; and whig and tory are names here without fignificancy, and applicable to no body. In short, I take the multipicity of suits and Chicaneries of law, to be the unhappy source of all our brawls and squabbles; and men's interests in this island are fo invovled and entangled one with another by Guaranties, and other ways peculiar to us. that some controversies will necessarily arise. Neither are men forbidden to seek relief from the law in defence of their properties, always provided that they have a guard upon themselves, keep their temper, offend not against charity, and do not improve questions of right into personal seuds and quarrels, to the extinguishing of love and amity betwixt the nearest relations and neighbours. Therein is the fault, and we are particularly charged with it. If the charge be true, we ought to take shame to ourselves, nothing being more contrary to the spirit of christianity than disputes and contentions carried to those heights. As for the late tumult in the island, with the occasion and confequences of it, 'tis a matter with which it becomes me not to meddle. It lies before his Majesty and council, whose great wisdom will doubtless find means to allay the heats and passions of angry men, and restore tranquillity to the country.

Glory to God in the highest, and on Earth Peace!

THE END OF THE CHAPTERS.

APPENDIX

OF

RECORDS and other PIECES referred to in the preceding Chapters.

NUMB. I.

THE CONSTITUTIONS OF KING JOHN:

Inquisitio facta de Servitiis, Consuetudinibus, & Libertatibus insul. de Gerese Rot. Hen. 3. & Guernese, & Legibus constitutis in Insulis per Dominum Johannem Regem, per Sacramentum Roberti Blondel, Radulphi Burnel, &c. qui dicunt, &c.

CONSTITUTIONES & Provisiones constitute per Dominum Johannem Regem, postquam Normannia alienata suit.

Imprimis, constituit Duodecim Coronatores Juratos, ad Placita & Jura ad Coronam spectantia custodienda.

II. Costituit etiam & concessit pro securitate Insularium, quod Ballivus de cetero per visum dictorum Coronatorum poterit placitare absque Brevi de Novâ Disseisinâ factâ infrà annum, de Morte Antecessoris infrà annum, de Dote similiter infrà annum, de Feodo invadiato semper, de Incumbreio Maritagij, &c.

III. Ii debent eligi de Indigenis Insularum, per Ministros Domini Regis, & Optimates Patrie; scilicet post Mortem unius eorum, alter side dignus, vel alio casu legitimo, debet substitui?.

The original of these Constitutions of King John is lost; but they are extant in an Inquest of his son Henry III. which recites and confirms them.

There is here a transposition that perplexes the sense. It ought to be, Scilicet post Mortem unius corum, vel alio casu legitimo, alter side dignus debet substitui.

IV. Electi

- IV. Electi debent jurare fine conditione, ad manutenendum & falvandum jura Domini Regis & Patriotarum.
- V. Ipsi Duodecim in qualibet Insulâ, in absentiâ Justiciariorum, & unà cum Justiciariis cùm ad Partes illas venerint, debent judicare de omnibus casibus in dictâ Insulâ qualitercunque emergentibus, exceptis Casibus nimis arduis, & si quis legitime convictus suerit a Fidelitate Domini Regis tanquam Proditor recessisse, vel manus injecisse violentas in Ministros Domini Regis modo debito Officium exercendo.
- VI. Ipfi Duodecim debent Emendas five Amerciamenta omnium premifforum taxare, predictis tamen arduis Casibus exceptis, aut aliis Casibus in quibus secundum Consuetudinem Insularum merè spectat redemptio pro voluntate Domini Regis & Curie sue.
- VII. Si Dominus Rex velit certiorari de Recordo Placiti coram Justiciariis et ipsis Duodecim agitati, Justiciarii cum ipsis Duodecim debent Recordum facere; et de Placitis agitatis coram Ballivo et ipsis Juratis in dictis Insulis, ipsi debent Recordum facere conjunctim.
- VIII. Quod nullum Placitum infrà quamlibet dictarum Infularum coram quibuscunque Justiciariis inceptum, debet extrà dictam Infulam adjornari, sed ibidem omninò terminari.
- IX. Insuper constituit quod nullus de libero Tenemento suo, quod per annum & diem pacificè tenuerit, sinè Brevi Domini Regis de Cancellaria, de Tenente & Tenemento faciente mentionem, respondere debeat vel teneatur.
- X. Quod nullus pro Felonia damnatus extrà Insulas prædictas, Hereditates suas infra Insulas forisfacere potest, quin Heredes sui eas habeant.
- XI. Item, si quis sorissecerit, & abjuraverit Insulam, & postea Dominus Rex pacem suam ei concesserit, & insrà annum & diem abjurationis revertatur ad Insulam, de Hereditate sua plenarie debet restitui.
- This article was inferted to restrain the violence of the governors, who having the whole power civil and military in their hands, invaded men's estates, and possessed themselves of them by their sole authority.

XII. Item,

XII. Item, quod nullus debet imprisonari in Castro nisi in Casu criminali, vitam vel membrum tangente, & hoc per Judicium Duodecim Coronatorum Juratorum, sed in aliis liberis Prisonis ad hoc deputatis.

XIII. Item, quod Dominus Rex nullum Prépositum ibidem probibere debeat niss per electionem Patriotarum 1.

XIV. Item, Constitutum est, quod Insulani non debeant coram Justiciariis ad Assisas capiendas assignatis, seu alia Placita tenenda, respondere, antequam transcripta Commissionum corundem sub Sigillis suis eis liberentur.

XV. Item, quod Justiciarii per Commissionem Domini Regis ad Assisa capiendas ibidem assignati, non debent tenere Placita in qualibet dictarum Insularum, ultra Spatium trium Septimanarum.

XVI. Item, quod ipfi Infulani coram dictis Justiciariis post tempus predictum venire non tenentur.

XVII. Item, quod ipsi non tenentur Domino Regi Homagium facere, donec ipse Dominus Rex ad Partes illas, seu infrà Ducatum Normannie venerit, aut aliquem alium per Literas suas assignare voluerit in issdem Partibus, ad predictum Homagium nomine suo ibidem recipiendum.

XVIII. Item, Statutum est pro tuitione & salvatione Insularum & Castrorum, & maximè quia Insule propè sunt, & juxtà potestatem Regis Francie, & aliorum inimicorum suorum, quod omnes Portus Insularum benè custodirentur; & Custodes Portuum Dominus Rex constituere precipit, ne damna sibi & suis eveniant.

I know not what to make of this article; instead of prohibere it should undoubtedly be promovere. By prapositus must be meant the Provost in Guernsey, who is the same officer as the Viconte in Jersey.

When Henry III. confirmed the Constitutions, Philip de Aubigny, warden of the islands, obtained a supplement of some other articles and concessions about trade, which being of no use at present are here omitted.

NUMB. II.

THE INSCRIPTION ON THE MACE GIVEN BY KING CHARLES II.

Tali haud omnes dignatur Honore '.

CAROLUS secundus, Magnæ Britanniæ, Franciæ, & Hiberniæ Rex serenissimus, affectum Regium ergà Insulam de Jersey (in quâ bis habuit receptum, dum coeteris ditionibus excluderetur) hocce Monumento verè Regio posteris consecratum voluit. Justique ut deinceps Balivis præferatur, in perpetuam Memoriam Fidei, tûm Augustissimo Parenti Carolo primo, tûm suæ Majestati, sævientibus Bellis Civilibus, servatæ a Viris clarissimis, Philippo & Georgio de Carteret, Equitibus Auratis, hujus Insulæ Baliv. & Reg. Præfect.

To this the following Clause in the said King's Charter may be added.

-Et ulteriùs in Tesseram favoris nestri præfato Ballivo & Juratis Insulæ nostræ de Jersey prædictæ, ac cœteris Incolis & Habitatoribus infrà Insulam illam, pro summâ & constanti fidelitate & ligeantia suis, Nobis, & Predecessoribus nostris, nuper Regibus & Reginis Angliæ, ex quacunque causa manifestatis, de gratia nostra speciali, ac ex certâ scientiâ & mero motu nostris, dedimus & concessimus, ac per præsentes pro Nobis, Hæredibus, & Succefforibus nostris, damus & concedimus eisdem Ballivo & Juratis Insulæ nostræ de Jersey, & cæteris Incolis & Habitatoribus infrà Insulam illam, plenam potestatem & auctoritatem, eò quod de cœtero in perpetuum liceat & licebit eis habere, uti, & portare seu portari causare, coram Ballivo ejusdem Insulæ nostræ de Jerfey, pro tempore existenti, unam Claveam auream vel argenteam, communiter vocatam a Mace, infigniis armorum nostrorum, Hæredum & Successorum nostrorum, superindè insculptam & ornatam, in & per totam illam Insulam nostram de Jersey, libertates, & præcinctas ejusclem, ad libitum hujusmodi Ballivi Insulæ illius, pro tempore existentis, quando et quoties occasio requiret. Et ultimo volumus, &c .- Teste meipso apud Westmonasterium, decimo die Octobris anno regni nostri decimo quarto.-Per breve de privato Sigillo-Howard.

In imitation of Virgil, Æsfeid. I. Haud equidem tali me dignor honore.

NUMBER III.

Letters Patent of King James I, forbidding the Governor to intermeddle in the Nomination of the Bailly, &c.

JAMES by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To all to whom these Presents shall come, greeting. Whereas a Controverfy has been long depending before us and our Counfaile, betwixt Sir John Peyton Kt. Captain of our Isle of Jersey, and John Herault of St. Saviour, Esq. concerning the Right of Nomination to the Office of Bailiffe of the said Isle. claimed by the faid Sir John Peyton by virtue of the Letters Patents whereby he holdeth his Office of Captain of the same Island, but the said Office of Bailiffe granted by special Letters Patents from Us unto the said John Herault, and also touching the Wages appertaining unto the faid Office of Bailiffe; Forasmuch as the Power and Authority to nominate, and appoint, or constitute a Magistrate, or public Officer of Justice, is one of the essential and principal Marks of our Supreme Power and Authority, and an Act merely regal, and altogether inseparable from our Royal Person, and that contrary to our Royal Intent and Meaning, the same hath been inserted into the faid Sir John Peyton's Letters Patents, in prejudice of the common Right and Privilege of that Island, and the special Laws, and Statutes, and Ordinances made for the good Government of the same: We therefore, according to the Report of our right trufty and well-beloved Counsellors, the Lord Zouch, and Sir Ralph Winwood Kt. our principal Secretary, formerly appointed to hear and examine the faid Cause, have ordained and commanded, and by these Presents for Us, our Heirs, and Successors, We do ordain and command, that the said John Herault be put in the present and peaceable possession of the said Office of Bailisse, according to the purport and meaning of our faid Letters Patents, without any disturbance or hinderance to be by the faid Sir John Peyton, or any other of the faid Island, or any other Captain or Governor that shall hereafter succeed in that Place, or under any other pretence or colour whatsoever, or by any other Person or Persons whatsoever. And forasmuch as we alwaies intended that a competent and reasonable Pension should be yearly allowed unto our said Bailiffe, out of the Revenues of the said Isle, We therefore according to the said Report have ordered, adjudged, and commanded, and by these Presents for Us, our Heirs, and Successors, do order, adjudge, and command, that the Summ of one Hundred Markes, of lawful Money of England, shall be yearly paid by our Receiver there, out of our Revenues and Possessions in the fame Island, unto the said John Herault, for and during his Life, for his Wages of Bailiffe, ВЬ

Bailiffe, over and above all Profits and Emoluments thereunto belonging, the faid Summ of a hundred Markes to be paid to the faid John Herault yearly, during his Life, by equal Portions, at the four Terms of the Year accustomed, the first payment to begin from the 25th day of April 1614, to which Allowance and Fee of a Hundred Markes by the year the faid Sir John Peyton hath submitted himself. And to the end that hereafter all difficulties concerning the Nomination, Institution, and Appointment of the Officers aforesaid may be taken away, We, by the advice and mature deliberation of our Counfell, have commanded and ordered, and by these Presents for Us, our Heirs, and Successors, doe command and order, that henceforth no Bailiffe, Deane, Vicomte, Procuror, Advocate to Us, shall be made and appointed, but immediately by Letters Patent under our Great Seal, in the Name and by the Authority of Us, our Heires, and Successors, Kings of this Realm of England, and Dukes of Normandy, and not otherwise. And we do likewise command and enjoyne, and by these Presents do straightly command and enjoyne the said Sir John Peyton, and all other Captains or Governors of the faid Island, present and to come, never hereafter to attempt or intermeddle in any wife in the Nomination, Institution, and Appointment of the faid Offices of Bailiffe, Deane, Viscount, our Attorney, or Advocate, or any other Public Officer of Justice within the said Isle, or in any wise to infringe or violate, either the Priviledge granted to the Inhabitants thereof by the most excellent Prince of famous Memory King Henry the Seventh, or, the Statutes and Ordinances made by the fame King for the good and peaceable Government of the fame Island, upon paine to incurre our Indignation, and further Punishment at our Pleasure. And to the end that this Act be duely put in execution, We do further command that the same be entred as well into the Register of Counsell-Causes, as in the Royal-Court there, and to give notice from time to time unto Us and our Privy-Counsell of the Contraventions attempted in prejudice of the same. For such is our Pleasure. In witness whereof We have caused these our Letters to be made Patent. Witness our selves at Westminster the 9th day of August in the thirteenth. year of our Reigne of England, France, and Ireland, and of Scotland the nine and fortieth.

NUMBER IV.

A Grant of King Henry V. to his Brother the Duke of Bedford, of the Government and Regalities of all the Islands.

LOCK CONTROL OF THE WORLD STATE

An. 3. H. 5.

Rex omnibus ad quos, &c. Salutem. Sciatis quod de gratia nostra speciali, concessimus charissimo fratri nostro Johanni Duci Bedford, in incrementum status sui, Infulas de Jersey, Guernsey, Sarq, & Aureney, unà cum Castris, Dominiis, Terris, Tenementis, Redditibus, Servitiis, Feodis Militum, Advocationibus Abbatiarum, Prioratuum, Hospitalium, Ecclesiarum, Capellarum, Cantariarum, & aliorum Beneficiorum Ecclefiasticorum quoruncunque, Pifcariis, Forestis, Boscis, Parcis, Chaceis, Warrenis, Officiis, Eschaetis, Forisfacturis, Catallis Fugitivorum & Felonum, Pratis, Pascuis, Pasturis, Moriscis, Wrecco-Maris, Deodandis, Prioratibus Alienigenarum, Regalitatibus, Franchisiis, Libertatibus, Reversionibus, & aliis Juribus, Possessionibus, & Commoditatibus quibuscunque, Nobis & Hæredibus nostris aliqualiter pertinentibus sive spectantibus infra Insulas prædictas; Habend. eidem Duci, & hæredibus masculis de corpore suo procreatis, adeo liberè & integrè sicut Edwardus nuper Dux Eborum*, vel aliquis alius ea habuit, five occupare folebat temporibus retroactis, & ficut Nos ea habere deberemus fi ea in manibus nostris remanere deberent, absque aliquo Nobis, vel Hæredibus nostris, indè reddendo, aliqua Prerogativâ Regiâ pro aliquâ aliâ Tenurâ de nobis extra dictas Insulas tentâ, quæ ad dictas Infulas, Castra, sive Dominia, aliqualiter pertinere poterit, non obstante; Eo quod de valore dictarum Infularum, Castrorum, Dominiorum, & aliarum rerum supradictarum, five de aliis Concessionibus per charissimum Dominum & Patrem nostrum Regem defunctum, five per Nos, eidem Johanni concessis, hic expressa mentio facta non existit, secundum formam & effectum Statuti inde edit. Sive aliquibus aliis Statutis, five Ordinationibus quibuscunque in contrarium factis non obstantibus. In cujus, &c. Teste Rege apud Westmonasterium, vicesimo septimo die Novembris. Per breve de privato Sigillo.

^{*} Son of Edmund Duke of York, who was the fifth Son of King Edward III. He was flain at the Battle of Azincourt in 1415, whereupon the Duke of Bedford succeeded him. See the Supplements at the End.

NUMBER V.

The Oath tendered in the Royal Court to the Governor at his Admission.

Puis qu'il a plû a Dieu vous appeller a la Charge de Gouverneur des Châteaux & Isle de Jersey, vous jurés & promettés icy en la presence de Dieu, que sidellement vous excercerés ladite Charge, sous nôtre Soverain Sire George deuxieme, par le grace de Dieu Roy de la Grande Bretagne, France & Irlande, & des Dominions qui en dependent, renonçant a toutes autres superiorités foraines & étrangeres, & garderés ses droices. Vous assisserés & desendrés toutes jurisdictions, privileges, préeminences, & autorités appartenantes a sadite Majesté; & avec tout voutre sens & pouvoir garderés & serés garder ladite Isle & Chateaux contre les incursions & surprises des Ennemis; Comme aussi toutes libertez, droices, dignitez, loix, coûtumes, & privileges de ladite Isle & Châteux, avec le bien public & avancement d'icelle. Item, vous prêterés votre force a la Justice de sa Majesté, à ce qu'elle soit revérée & obeïe, & ses sentences & ordonnances deûement executées, vous opposant a tous traitres, meurtriers, larrons, batteurs, mutins, & seditieux, a ce que la force demeure au Roy. Vous le promettés a l'acquit de vôtre Conscience.*

NUMBER VI.

The Grant of a Public Seal by King Edward I.

EDWARDUS Dei gratia Rex Angliæ, Dominus Hiberniæ, & Dux Aquitaniæ, Ballivis Insularum de Jersey & Guernesey, Salutem. Quia homines nostri Insularum prædictarum diversa damna, & pericula non modica, quandoque in Mari per naustragium, quandoque in terra per depredationes & alia viarum discrimina, multoties hactenus sunt perpessi, pro eo præcipuè quod in Insulis illis nullum huc usque Sigillum habuimus, cum quo, seu per quod, Brevia hominum de partibus illis consignari, aut ipsorum negotia ibidem possent expediri: Nos, ad communem utilitatem hominum partium earundem, hujusmodi periculis & damnis congruo remedio prospici cupientes, quoddam Sigillum nostrum, quo de cœtero ibidem uti voluimus,

[.] The same oath is taken by the Lieutenant Governor, mutat. mutand.

& quod vobis transmittimus, secimus provideri, ut in posterum Brevia, que homines Insularum prædictarum hactenus in Cancellaria nostra Angliæ impetrare consueverunt, & de cœtero impetrare voluerint, & conventiones & contractus quos ibidem a modo alternatim sieri contigerit, & qui hactenus tantummodò verbo tenus & non per Scripturam sieri solebant, eodem Sigillo de cœtero consignentur. Et ideo vobis mandamus, quod Sigillum illud recipiatis, & per totam terram Insularum prædictarum publicè proclamari faciatis, quod omnes illi de Partibus illis qui exnunc Brevia nostra prædicta habere voluerint, illa secundum antiquum Registrum partium earundem impetrent ibidem, prout hactenus Cancellaria nostra prædicta facere consueverunt. Et vos Ballivi prædicti, hujusmodi Brevia, atque Conventiones & Contractus, codem Sigillo a modo consignari facietis, & transcriptum prædicti Registri nobis sub Sigillo mittatis; et omnia præmissa de cœtero in Insulis illis teneri & sirmiter observari facietis, in forma prædicta. In cujus rei testimonium has Litteras nostras sieri fecimus Patentes. Teste meipso apud Westmonasterium quinto decimo die Novembris, anno Regni nostri septimo.

NUMBER VII.

Queen Elizabeth's Charter at Length.

ELIZABETH Dei gratia Angliæ, Franciæ, & Hiberniæ Regina, Fidei defensor, &c. Omnibus ad quos præsentes Litteræ pervenerint, Salutem. Quum dilecti & fideles ligei & subditi nostri, Ballivus & Jurati Insulæ nostræ de Jersey, ac cæteri incolæ & habitatores ipsius Insulæ, infrà Ducatum nostrum Normanniæ, & predecessores eorum a tempore cujus contrarii memoria hominum non existit, per speciales Chartas, Concessiones, Confirmationes, & amplissima Diplomata, illustrium Progenitorum ac Antecefforum nostrorum, tam Regum Angliæ, quam Ducum Normanniæ, ac aliorum, quam-plurimis juribus, jurisdictionibus, privilegiis, immunitatibus, libertatibus, & franchisiis, libere, quiete, & inviolabiliter usi; freti, & gravisi fuerunt, tam infrà Regnum nostrum Angliæ, quàm alibi infra Dominia & loca Ditioni nostræ subjecta, ultra citraque Mare, quorum ope & beneficio Insulæ prænominatæ, & loca maritima prædicta, in fide, obedientia, & servitio, tam nostri quam eorundem Progenitorum nostrorum, constanter, fideliter, & inculpate perstiterunt, & perseveraverunt, liberaque Commercia cum Mercatoribus, & aliis indigenis ac alienigenis, tam pacis quam belli temporibus, habuerunt & exercuerunt; Judicia etiam & Cognitiones omnium & omnimodarum caufarum & querelarum, actionum.

actionum, & placitorum, tam Civilium quam Criminalium & Capitalium, ac judicialem potestatem ea omnia tractandi, decidendi, discutiendi, audiendi, terminandi, atque in eisdem procedendi, & in Acta redigendi, secundum Leges & Consuetudines Infulæ & locorum prædictorum ex antiquo receptas & approbatas, præterquam in certis Cafibus Cognitioni nostræ Regiæ reservatis, de tempore in tempus exercuerunt, executi funt, & peregerunt; quæ omnia & fingula, cujus & quanti momenti funt & fuerunt, ad tutelam & confervationem Infularum & locorum maritimorum prædictorum, in fide & obedientia Coronæ nostræ Angliæ, Nos, ut æquum est, perpendentes; Neque non immemores quam fortiter & fideliter Insularii prædicti, ac cœteri incolæ & habitatores ibidem, Nobis, & Progenitoribus nostris, inservierunt, quantaque detrimenta, damna, & pericula, tam pro affiduâ tuitione ejusdem Insulæ & Loci, quam pro recuperatione & defensione Castri nostri de Mont-Orgueil, infrà prædictam Insulam nostram de Jersey, sustinuerunt, indiesque fustinent; non folum ut Regia nostra benevolentia, favor, & affectus, erga præfatos Insularios illustri aliquo nostræ Beneficentiæ Testimonio, ac certis indiciis, comprobetur, verum etiam ut ipsi, & eorum posteri, deinceps in perpetuum prout antea, solitam & debitam obedientiam erga Nos, Hæredes, et Successores nostros, teneant & inviolabiliter observent, has Litteras nostras Patentes, magno Sigillo Angliæ roboratas, in forma quæ sequitur illis concedere dignati sumus. Sciatis quod Nos, de gratia nostra speciali, ac ex certa scientia & mero motu nostris, dedimus & concessimus, ac pro Nobis, Hærcdibus, & Successoribus nostris, per Præsentes damus & concedimus, præfatis Ballivo & Juratis Insulæ nostræ de Jersey prædictæ, ac cœteris incolis & habitatoribus dictæ Insulæ, quod ipsi, & corum quilibet, licet in Præsentibus non recitati, seu cogniti per separalia Nomina, sint semper in suturum ita liberi, quieti, & immunes, in omnibus Civitatibus, Burgis, Emporiis, Nundinis, Mercatis, Villis Mercatoriis, & aliis locis ac portubus infrà Regnum nostrum Anglia, ac infra omnes Provincias, Dominia, Territoria, ac loca Ditioni nostrae subjecta, tam citra quam ultra Mare, de & ab omnibus vectigalibus, theloniis, costumis, subsidiis, hidagiis, tallagiis, pontagiis, panagiis, muragiis, fossagiis, operibus, expeditionibus bellicis, nisi in casu ubi Corpus Nostri, præsatæ Reginæ, Hæredum, vel Successorum nostrorum, (quod absit) in prisona detineatur, & de ab omnibus aliis contributionibus, oneribus, & exactionibus quibuscunque, Nobis, Hæredibus, & Successoribus nostris, quovis modo debitis, reddendis, seu solvendis, prout przefati Insularii, virtute aliquarum Chartarum, Concessionum, Confirmationum, five Diplomatum, per prædictos Progenitores nostros, quondam Reges Angliæ & Duces Normanniæ, five alios, seu virtute aut vigore alicujus rationabilis & legalis usus, præscriptionis, seu consuetudinis, unquam aliquando suerunt, aut esse debuerunt, vel potuerunt, debuit vel quovis modo potuit : Cumque nonnulla

alia Privilegia, Jurisdictiones, Immunitates, Libertates, & Franchisiæ, per prædictos Progenitores & Predecessores nostros, quondam Reges Anglia & Duces. Normanniæ, ac alios, præfatis Infulariis indulta, donata, conceffa, & confirmata fuerunt, ac a tempore cujus contrarii memoria hominum non existit, infra Infulam & loca maritima prænominata, inviolabiliter ufitata & observata fuerunt, de quibus unum est, Quod tempore Belli omnium Nationum Mercatores, & alii tam alienigeni qu'am indigeni, tam hostes qu'am amici, liberè, licitè, & impunè, queant & possint dictam Insulam, & loca maritima, cum navibus, mercibus, & bonis suis, tam pro evitandis tempestatibus, quam pro aliis licitis suis negotiis inibi peragendis. adire, accedere, commeare, & frequentare, & libera commercia, negotiationes, ac rem mercatoriam ibidem exercere, ac tutò & securè commorari, indè recommeare ac redire toties quoties, absque damno, molestia, seu hostilitate quacunque, in rebus, mercibus, bonis, aut corporibus suis, idque non solum infra Insulam, loca maritima prædicta, ac præcinctum eorundem, verum etiam infra spatia undique ab eisdem distantia usque ad visum hominis, id est, quatenus visus oculi posset assequi; Nos eandem immunitatem, impunitatem, libertatem, ac privilegium, ac cœtera omnia præmissa ultimò recitata, rata grataque habentes, ea pro Nobis, Hæredibus & Succefforibus nostris, quantum in nobis est, præfatis Ballivo & Juratis, ac cœteris incolis, habitatoribus, mercatoribus, & aliis, tam hostibus quam amicis, & eorum cuilibet, per Præsentes indulgemus & elargimur, auctoritate nostra Regia renovamus, reiteramus, & confirmamus, in tam amplis modo & formâ prout prædicti incolæ & habitatores Infulæ prædictæ, ac prædicti indigeni & alienigeni, mercatores, & alii, per antea usi vel gravisi suerunt, vel uti aut gaudere debuerunt. Universis igitur & singulis Magistratibus, Ministris, & subdițis nostris, per universum Regnum nostrum Angliæ, ac cœtera Dominia & loca Ditioni nostræ subjecta, ubilibet constitutis, per Præsentes denuntiamus, ac firmiter injungendo præcipimus, ne hanc nostram Donationem, Concessionem, & Confirmationem, seu aliquod in eisdem expressum aut contentum, temerarie infringere, seu quovis modo violare præsumant; & si quis ausu temerario contrasecerit, volumus & decernimus, quantum in nobis est, quod restituat non solum ablata aut erepta, sed quod etiam prodamno, interesse, & expensis, ad plenariam recompensam & satisfactionem compellatur, per quæcunque Juris nostri remedia, severèque puniatur, ut Regiæ nostræ Præterea ex uberiori Potestatis, ac Legum nostrarum contemptor temerarius. gratia nostra, per Præsentes ratificamus, approbamus, stabilimus, & confirmamus omnes & fingulas Leges & Confuetudines, infra Infulam & loca maritima prædicta, ritè & legitime usitatas, & ex antiquo receptas & approbatas; dantes & tribuentes. præfatis Ballivo & Juratis, ac omnibus aliis Magistratibus, Ministris, & cæteris quibuscunque ibidem in officio aut functione aliqua constitutis, plenam, integram,

& absolutam auctoritatem, potestatem, & facultatem cognoscendi, jurisdicendi, & judicandi, de & super omnibus & omnimodis placitis, processibus, litibus, actionibus, querelis, & causis quibuscunque, infrà Insulam & loca prædicta emergentibus, tam realibus, personalibus, & mixtis, quam criminalibus & capitalibus, eaque omnia & fingula ibidem & non alibi placitandi & peragendi, prosequendi & desendendi, atque in eisdem vel procedendi vel supersedendi, examinandi, audiendi, terminandi, absolvendi, condemnandi, decidendi, atque executioni mandandi, secundùm Leges & Consuctudines Insulæ & locorum maritimorum prædictorum, per antea usitatas & approbatas, absque provocatione, seu appellatione quacunque, præterquam in casibus qui cognitioni nostræ Regali, ex vetusta consuetudine Insulæ & loci prædicti reservantur, vel de jure aut privilegio nostro Regali reservari debent. Quam quidem auctoritatem, protestatem, & facultatem, præterquam in eisdem casibus reservatis. Nos pro Nobis, Hæredibus, & Successoribus nostris, præsatis Ballivo & Juratis, ac aliis, damus, committimus, concedimus, & confirmamus per Præsentes, adeo plenè. libere, & integre, prout præfati Ballivus & Jurati, ac alii, vel eorum aliquis, antehac iisdem rite & legitime usi, functi, aut gavisi sunt, vel uti, sungi, aut gaudere debuerunt, aut licitè potuerunt, debuit aut potuit. Volumus præterea, & pro Nobis, Hæredibus, & Successoribus nostris, per Præsentes concedimus præsatis Ballivo & Juratis, & aliis incolis & habitatoribus infrà Infulam & loca maritima prædicta, quod nullus corum de coetero per aliqua Brevia, seu Processus, ex aliquibus Curiis nostris, seu aliorum, infra Regnum nostrum Angliæ emergentia, sive corum aliqua, citetur, apprehendatur, evocetur, in placita trahatur, five quovismodo aliter comparere aut respondere cogatur, extra Insulam & loca maritima prædicta, coram quibuscunque Judicibus, Justiciariis, Magistratibus, aut Officiariis nostris, aut aliorum, de & super aliqua re, lite, materia, seu causa quacunque infra Insulam prædictam emanente; sed quod Insularii prædicti, & corum quilibet, hujusmodi citationibus, apprehensionibus, brevibus, & proceffionibus non obstantibus, licitè & impune valeant & possint, valeat & possit, infra Insulam & loca prædicta residere, commorare, quiescere, & justitiam ibidem expectare, absque aliqua pæna corporali seu pecuniaria, fine, redemptione, aut mulcta proinde incurrenda, forisfacienda, nec non absque aliqua offensione, vel causa contemptus seu contumaciæ, per Nos, Hæredes, & Successores nostros, illis, seu corum alicui, aut aliquibus, proinde infligenda, irroganda, vel aliter adjudicanda, exceptis tantummodo hujufmodi Cafibus qui per Leges & Confuetudines Infulæ & loci prædicti Regali nostræ Cognitioni atque examini reservantur, vel de jure & privilegio nostro Regali reservari debent. Et ulterius de ampliori gratia nostra, ac ex certà scientià & mero motu nostris, dedimus, concessimus, & confirmavimus, & per has Literas nostras Patentes, pro Nobis, Hæredibus, & Successoribus nostris, quantum in Nobis est, damus, concedimus, & confirmamus, præfatis Ballivo & Jura-

& Juratis, coeterisque incolis & habitatoribus Insulæ & locorum maritimorum prædictorum, necnon Mercatoribus, & aliis eò confluentibus, tot, tanta, talia hujufmodi vel consimilia jura, jurisdictiones, immunitates, impunitates, indemnitates, exemptiones, libertates, & franchisias, & privilegia quæcunque, quot, quanta, qualia, & quæ prefati Ballivus & Jurati, ac coeteri incolæ & habitatores, Mercatores, & alii, aut eorum aliquis, antehac legitime & rite usi, freti, seu gavisi fuerunt, usus, fretus, seu gavifus fuit, ac omnia & fingula quæcunque alia in quibuscunque Chartis, aut Litteris Patentibus nostris, seu Progenitorum nostrorum, quondam Regum Angliæ, seu Ducum Normanniæ, aut aliorum, eis, seu corum predecessoribus, antehac data, concessa, vel confirmata, & non revocata seu abolita, quocunque nomine, seu quibuscunque nominibus, iidem Ballivus, Jurati, ac coeteri incolæ & habitatores ejusdem Insulæ, & locorum maritimorum prædictorum, aut'eorum prædecessores, aut eorum aliqui vel aliquis, in eisdem Litteris Patentibus, seu earum aliquibus, censeantur, nuncupentur, aut vocitentur, seu censeri, nuncupari, aut vocitari debuerunt, seu soliti fuerunt; ac ea omnia & fingula, licet in Præsentibus minimè expressa, præsatis Ballivo & Juratis, ac coeteris incolis & habitatoribus Infulæ & locorum maritimorum prædictorum, nec non Mercatoribus, & aliis eò confluentibus, indigenis & alienigenis, per Præsentes confirmamus, consolidamus, & de integrè ratificamus, adeo plenè, liberè, & integrè, prout ea omnia & fingula in eisdem Literis Patentibus contenta, modo particulariter, verbatim, & expresse in præsentibus Litteris nostris Patentibus recitata & declarata fuissent. Salva femper atque illabefactatâ fupremâ Regiâ Potestate, Dominatione, atque Imperio Coronæ nostræ Angliæ, tam quoad ligeantiam, subjectionem, & obedientiam Insulæ prædictæ, & aliorum quorumcunque infrà Infulam & loca prædicta commorantium five degentium, quam quoad Regalitates, privilegia, res, redditus, vectigalia, ac coetera jura, proficua, commoditates, ac emolumenta quæcunque infrà Insulam & loca prædicta Nobis, Hæredibus, & Successoribus nostris, per prerogativam Coronæ nostræ Angliæ, sive Ducatus Normanniæ, seu aliter, ex antiquo debita & consueta: Salvis etiam Appellationibus & Provocationibus quibuscunque Insulæ prædictæ, ac aliorum ibidem commorantium sive degentium, in omnibus ejusmodi casibus qui Legibus & Consuetudinibus Insulæ & locorum prædictorum, Regali nostræ cognitioni atque examini reservantur, vel de jure aut privilegio nostro Regali reservari debentur; aliquâ sententiâ, clausulâ, re aut materiâ quacunque, superiùs in Præsentibus expressa & specificata in contrarium, in aliquo nonobstante. Proviso semper, quod aliqua clausa, articulus, sive aliquod aliud in præsentibus nostris Litteris Patentibus expressum & significatum, non exponantur, interpretentur, seu se extendant ad aliquid quod sit, vel sieri possit, Nobis, vel Hæredibus nostris præjudiciale, quoad aliqua tenementa, terras, redditus, Regalitates, vel hæreditamenta nostra infra Infulam prædictam.

Postremo volumus, ac per Præsentes concedimus, quod dicti Ballivus & Jurati, ac coeteri incolæ & habitatores Infulæ prædictæ, necnon Mercatores, & alii illic commorantes seu confluentes, habeant, & de tempore in tempus habere possint, has Litteras nostras Patentes, sub magno Sigillo nostro Angliæ debito modo factas & figillatas, absque fine, seu feodo, magno vel parvo, Nobis in Hanaperio nostro, seu alibi, ad usum nostrum pro præmissis quoquomodo reddendo, solvendo, vel faciendo; Eo quod expressa mentio de vero valore annuo, aut de certitudine præmissorum, sive corum alicujus, aut de aliis donis, five concessionibus, per Nos, vel per aliquos Progenitorum sive Predecessorum nostrorum, præfatis Ballivo & Juratis, ac coeteris incolis & habitatoribus Infulæ prædictæ, five eorum alicui, antè hæc tempora factis, in Præsentibus minime facta existit, aut aliquo statuto, actu, ordinatione, provisione, proclamatione, five restrictione in contrarium indè antehac habitâ, factâ, editâ, ordinatâ, seu provisâ, aut aliquâ aliâ re, causâ, vel materiâ quacunque in aliquo nonobstante. In cujus rei testimonium has Litteras nostras fieri fecimus Patentes. Teste meipså apud Greenwiche, vicesimo septimo die Junii anno Regni nostri quarto.-Per Breve de Privato Sigillo.

NUMBER VIII.

Transcript of an old Manuscript-Memorial concerning the ancient Monument of la Hoguebye, in Jersey.

FABULATUR quondam in Insulâ de Jersey, in palude Sancti Laurentii, suisse Serpentem, qui multis dampnis & cladibus afficiebat Insulanos. Cum autem Dominus de Hambeyâ Normaniæ hoc audisset, famâ & nominis gloriâ motus, illuc accessit, & Serpentem intersecit, & caput abscindit. Ut autem Servus qui eum comitabatur, gloriam ejus sacti reportaret, invidiâ permotus Dominum suum intersecit, & eum sepelivit. Rediit Hambeyam, persuasit Dominæ suæ Dominum intersectum suisse a Serpente, & se Serpentem intersecisse, qui volebat Domini mortem ulcisci. Similiter persuasit eâ causâ in ultimâ voluntate Dominum suum eam rogasse, ut eidem Servo nuberet, quod illa amore mariti concessit. Servus autem jam Dominus sactus, frequentius agitabatur in somniis, & terrebatur, exclamabatque dormiens, O me miserum! miserum me! qui Dominum meum interseci! Illa frequentius admonuit eum Somniorum, sed tum cum frequenter pergeret sic somniare, illa paricidium suspecta, reservoir

reseravit amicis, & Judicis decreto examinatus homicidium agnovit. Illa in memoriam sacti, in loco quo intersectum suisse didicerat & sepultum, Tumulum rotundum accumulatum erexit in Parochia Sancti Salvatoris*, loco conspicuo, nunc Hogam Hambeyam, alias Hogam Byam vocitant. Hoga est Pyramis obtusa e terra, cujusmodi Galli vocant Montjoyes.

NUMBER IX.

The Bull of Pope Alexander VI, transferring the Islands from the Diocese of Coutance in Normandy, to that of Winchester in England.

ALEXANDER Episcopus, Servus servorum Dei, ad perpetuam rei memoriam. Ex injuncto nobis desuper Apostolicæ servitutis Officio, ad ea libenter intendimus per quæ quieti & tranquillitati statûs Catholicorum Regum & Principum opportune confulatur, ac fcandalis, periculis, & diffentionibus quæ exinde evenire poffent, obvietur. Cum itaque, ficut exhibita nobis nuper pro parte carissimi in Christo filii nostri, Henrici Angliæ Regis illustris, Petitio continebat, Insulæ de Gersey & Gernefey, Chausey, Aourney, Erme, & Serke, Constantiensis Dioecesis, Provinciæ Rothemagenfis, quæ fub fuo Temporali Dominio existunt, Episcopo Constantiensi pro tempore existenti in Spiritualibus subesse noscuntur, & propter dissentiones quæ inter Anglicos & Gallos sæpenumerò vigent, statui præfati Henrici & pro tempore Regis Angliæ existentis, non modicum periculum imminere posset, dictarumque Insularum incolæ in Visitationibus, & aliis Spiritualibus, maxima pati possent detrimenta, nec expediat quod Infulæ prædictæ a Gallis vifitentur, & propterea pro fecuritate, quiete & tranquillitate præfati Regis, Statusq; sui, necesse sit ut Insulæ prædictæ a Jurisdictione præsati Episcopi dismembrentur & separentur, ac Episcopo Wyntonyensi pro tempore existenti (cujus Diœcesis dictae Insulae sunt vicinae) perpetuò subjiciantur, quemadmodum aliàs Villa Calesiæ, olim Archiepiscopo Turonensi subjecta, ab ipso Turonensi Archiepiscopo exempta, & Archiepiscopo Cantuariensi pro tempore existenti Apostolica Auctoritate subjecta suit: Nos qui scandalis & dissentionibus ne eveniant, quantum cum Deo possumus, libenter obvia-

Cc2

^{*} La Hogue is not in St. Saviour, but in the Parish of Grouville.

mus, hujulmodi supplicationibus inclinati, Insulas prædictas, illarumque incolas & habitatores, tam Ecclefiasticos quam Seculares, a Jurisdictione præsati Constantienfis Episcopi, Auctoritate Apostolica, tenore Præsentium, perpetud eximimus & separamus, ac dicto Episcopo Wyntoniensi subjicimus, applicamus, & appropriamus; districtius inhibentes præsato Episcopo Constantiensi, ne de coetero de Insulis prædictis, illarumque incolis & habitatoribus, se intromittere, ac ullam in eos Jurisdictionem exercere quoquo modo præsumat, ac decernentes exnunc irritum & inane, si fecus fuper his a quoquam quavis Auctoritate, scienter vel ignoranter, contigerit attemptari. Non obstantibus præmiss, necnon Subjectione per nos alias de dictis duabus Infulis de Gersey & Gernesey, Episcopo Sarisburiensi pro tempore existenti, ad supplicationem præsati Regis sacta, quam de ipsius Regis consensu omnino revocamus, cassamus, & annullamus, ac Apostolicis, necnon in Provincialibus & Sinodalibus confiliis editis, generalibus vel specialibus Constitutionibus & Ordinationibus, coeterisque contrariis quibuscunque. Nulli ergo omnino hominum liceat hanc paginam noftræ exemptionis, feparationis, subjectionis, applicationis, appropriationis, inhibitionis, constitutionis, revocationis, cassationis, & annullationis infringere, vel ei ausu temerario contraire. Siquis autem hoc attemptare præsumpserit, indignationem Omnipotentis Dei, ac beatorum Petri & Pauli Apostolorum ejus, se noverit incursurum. Datum Romæ apud Sanctum Petrum, anno Incarnationis Dominicæ millesimo quadringentesimo nonagesimo nono, tertiodecimo Kalendarum Februarii, Pontificatús nostri anno octavo.

L. Podocatharys. P. Tuba.

Super plicam

ALEXANDER PAPA SEXTYS.

NUMBER X.

Canons and Constitutions Ecclesiastical for the Isle of Fersey.

JAMES R.

JAMES, by the Grace of God, King of England, France, and Ireland, Defender of the Faith, &c. To our right trusty and well-beloved Counsellor, the reverend Father in God Lancelot Bishop of Winton; and to our trusty and well-beloved Sir John Peyton, Knight, Governor of our Isle of Jersey, and to the Governor of the said Isle for the time being; to the Bailiss and Jurats of the said Isle for the time being; and to the Officers, Ministers, and Inhabitants of the said Isle for the time being; to whom it shall or may appertain, Greeting. Whereas we held it fitting heretofore, upon the admission of the now Dean of that Island unto his Place, in the interim (until we might be more fully informed what Laws, Canons, or Constitutions, were meet and fit to be made and established for the good Government of the said Island in Causes Ecclesiastical, appertaining to the Ecclesiastical Jurisdiction) to command the faid Bishop of Winton, Ordinary of the said Island, to grant his Commission unto David Bandinel, now Dean of the faid Island, to exercise the Ecclesiastical Jurisdiction there, according to certain Instructions signed with our Royal Hand, to continue only until we might establish such Constitutions, Rules, Canons, and Ordinances, as we intended to fettle for the regular government of that our Island in all Ecclesiastical Causes, conformed to the Ecclesiastical government established in our Realm of England, as near as conveniently might be: And whereas also to that purpose our Pleasure was, that the said Dean, with what convenient speed he might, after such Authority given unto him as aforesaid, and after his arrival into that Island, and the publick notice given of his admission unto the said Office, should, together with the Ministers of that our Isle, consider of such Canons and Constitutions as might be fitly accommodated to the Circumstances of Time and Place, and the Persons whom they concern, and that the same should be put into order, and intimated to the Governor, Bailiffs, and Jurats of that our Isle, that they might offer to us and to our Council fuch Exceptions, and give fuch Informations touching the fame, as they should think good: And whereas the faid Dean and Ministers did conceive certain Canons, and presented the same unto us on the one part, and on the other part the faid Bailiff and Jurats excepting against the same, did send and depute Sir Philip de Carteret, Knight, Joshua de Carteret, and Philip de Carteret, Esquires, three

three of the Jurats and Justices of our said Isle; all which Parties appeared before our right trufty and well-beloved Counsellors, the most reverend Father in God the Lord Archbishop of Canterbury, the right reverend Father in God the Lord Bishop of Lincoln, Lord Keeper of our Great Seal of England, and the right reverend Father in God the faid Lord Bishop of Winton, to whom we gave Commission to examine the same, who have accordingly heard the said Parties at large, read, examined, corrected and amended the faid Canons, and have now made Report unto us under their hands, that by a mutual consent of the faid Deputies and Dean of our Island, they have reduced the faid Canons and Constitutions Ecclesiastical into such Order as in their judgment may well fit the State of that Island: Know ye therefore, that we out of our Princely Care of the quiet and peaceable government of all our dominions, especially affecting the Peace of the Church, and the Establishment of true Religion, and Ecclesiastical Discipline, in one uniform Order and Course throughout all our Realms and Dominions, so happily united under us as their Supreme Governor on Earth, in all Causes as well Ecclesiastical as Civil, having taken confideration of the faid Canons and Conflitutions, thus drawn, perused, and allowed as aforefaid, do by these Presents ratify, confirm, and approve thereof: And further, We, out of our Princely Power and Regal Authority, do by these Presents signed with our Royal Hand, and sealed with our Royal Signet, for us, our Heirs and Succeffors, will and command, that the faid Canons and Constitutions hereafter following, shall from henceforth in all points be duly observed in our faid Isle, for the perpetual government of the said Isle in Causes Ecclesiastical; unless the fame, or some part or parts thereof, upon further experience and trial thereof, by the mutual confent of the Lord Bishop of Winton for the time being, the Governor, Bailiff, and Jurats of the faid Isle, and of the Dean and Ministers, and other our Officers of our faid Isle, for the time being, representing the Body of the faid Isle, and by the Royal Authority of Us, our Heirs, or Successors, shall receive any Additions or Alterations, as Time and Occasion shall justly require. And therefore we do turther will and command the faid right reverend Father in God, Lancelot now Lord Bishop of Winton, that he do forthwith, by his Commission under his Episcopal Seal, as Ordinary of that Place, give Authority unto the faid now Dean, to exercife Ecclefiaffical Jurisdiction in our said Isle, according to these Canons and Constitutions thus made and established.

Premierement, selon le devoir que nous devons a la tres excellente Majeste du Roy, il est ordonné que le Doyen & Ministres, ayans Cure des Ames, seront tenus un chascun de tout leur pouvoir, sçavoir, & cognoissance, d'enseigner, mettre en evidence, & declarer, & purement & fincerement, fans aucune feintife ou dissimulation, & le plus souvent que faire se pourra, & que les occasions s'en presenteront, que toute Puissance Forreine, estrangere, & usurpée, pourautant qu'elle n'a aucun fondement en la Parole de Dieu, est totalement, pour bonnes & justes causes, ostée & abolie; & par consequent que nulle sorte d'obeisfance ou subjection, dedans les Royaumes & dominions de sa Majesté, ne'est deûe a aucune telle Puissance; ains que la Puisfance du Roy dedans les Royaumes d'Angleterre, d'Ecosse, & d'Irlande, & autres ses Dominions & Contrées est la plus haute Puissance sous Dieu, a laquelle toutes Personnes, habitans & natifs dans icelles, doivent par la loy de Dieu toute fidelité & obeissance, avant & par dessus toute autre Puissance.

2. Quiconque affermera & maintiendra, que la Majesté du Roy n'a la meme Authorité en Causes Ecclesiastiques, comme entre les Juiss ont eû les Rois religieux, & les Empereurs Christiens en

First, according to the duty we owe to the King's most excellent Majesty, it is ordained that the Dean and Ministers, having Cure of Souls, shall be obliged to the utmost of their power, knowledge, and learning, purely and fincerely, without feigning or diffembling, and as often as they may, and occasions shall offer themselves, to teach, publish, and declare, that all Foreign, strange, and usurped Power, forasmuch as it has no foundation in the Word of God, is wholly, for good and just causes, taken away and abolished; and that consequently no manner of obedience or subjection is due. within the Kingdoms and Dominions of his Majesty, to any such Power; but that the King's Power within the Kingdoms of England, Scotland, and Ireland, and other his Dominions and Countries, is the highest Power under God, to which all Persons, natives and inhabitants within the fame, do by God's Law owe all loyalty and obedience, before and above all other Power.

2. Whosoever shall affirm and maintain, that the King's Majesty has not the same Authority in Causes Ecclesiastical, which godly Kings had among the Jews, and Christian Emperors in the Primi-

^{*} The Canons are originally in French, and the English in the opposite column is only a translation.

1'Eglise

l'Eglise Primitive; ou quiconque donnera aucun empeschement, en quelque maniere que ce soit, a la Souveraineté du Roy esdites Causes; & quiconque affermera que l'Eglise d'Angleterre, comme elle est establie sous la Majesté du Roy, n'est une vraie & Apostolique Eglise, enfeignant purement la Doctrine des Prophetes & Apostres; ou quiconque impugnera le Gouvernement de ladite Eglise qui est par les Archevesques, Evesques, & Doyens, l'affirmans estre de l'Antechrist; quil foit excommunié ipfo facto, & non restabli que par le Doyen en Cour scante, aprez fa repentance & revocation publique de son erreur.

DU SERVICE DIVIN.

- 3. Il est enjoint a toutes sortes de Perfonnes, de se sousmettre au Service Divin, contenu au Livre des Communes Prieres de l'Eglise d'Angleterre; & quant aux Ministres, ils seront obligés d'observer avec uniformité ladite Liturgie, sans addition ou alteration; & ne soussirie on aucun Conventicule, ou Congrégation, pour faire Secte apart, ou se distraire du Gouvernement Ecclesiastique establi en l'Isle.
- 4. Le Jour du Dimanche sera sancctifié par Exercises de Prieres Publiques, & oûye de la Parole de Dieu; sera un chascun tenu de s'y ranger a heure convenable, & observer l'ordre & bienséance à ce requise; se rendans attentiss à

tive Church; or whofoever shall, in any manner of way, impeach or obstruct the King's Supremacy in the faid Causes; and whofoever shall affirm that the Church of England, as it is established under the King's Majesty, is not a true and Apostolical Church, purely teaching the Doctrine of the Prophets and Apoftles; or whosoever shall impugne the Government of the faid Church, which is by Archbishops, Bishops, and Deans, affirming it to be Anti-christian; let him be ipso fallo excommunicated, and not restored but by the Dean in open Court, after his repentance and publick recantation of his error.

OF DIVINE SERVICE.

- 3. It is enjoined unto all forts of Perfons, to submit to the Divine Service, contained in the Book of Common Prayer of the Church of England; and as for the Ministers, they shall be obliged to observe with uniformity the said Liturgy, without addition or alteration; and no Conventicle or Congregation shall be suffered to make Sect apart, or withdraw themselves from the Ecclesiastical Government established in the Island.
- 4. The Lord's Day shall be hallowed by the Exercises of Public Prayer, and hearing of God's Word; whereat every one shall be bound to assist at a convenient hour, and to observe the order and decency in that case requisite; being at-

la Lecture & Prédication, estans a genoux durant les Prieres, & se tenans debout à la Consession de Foy, & doivent testifier leur Consentement & Participation en disant Amen. Et partant durant aucune partie du Service Divin, les Surveillans ne permettront aucune interruption ou empeschement par insolence ou devis d'aucune personne, soit au Temple ou Cimetiere.

- 5. Il y aura Exercice Public en chacune Paroisse les Mecredys & Vendredys Matin par la lecture des Communes Prieres.
- 6. Quand quelque urgente Occasion requerra de cèlebrer un Jeusne Extraordinaire, le Doyen avec l'avis des Ministres en avertira le Gouverneur, & le Magistrat Civil, à ce que par leur Confentement & Authorité il soit observé généralement, pour appaiser le couroux & ire de Dieu, par une vraye & serieuse Repentance.

DU BAPTESME.

7. Le Baptesme sera administré en l'Eglise avec eau pure & commune, suivant l'Institution de Jesus Christ, & sans limitation de jours; & nul ne différera de tentive at the reading and preaching of the Word, kneeling on their knees during the Prayers, and standing up at the Confession of Faith, and shall testify their Consent and Participation in saying Amen. And in pursuance thereunto, during any part of Divine Service, the Church-Wardens shall not suffer any interruption or hindrance to be made by the insolence or talk of any person, either in Church or Church-yard.

- 5. There shall be Divine Service in every Parish on Wednesday and Friday Mornings, by reading of the Common Prayer.
- 6. When any urgent Occasion shall require an Extraordinary Fast to be celebrated, the Dean with the advice of the Ministers shall give notice thereof to the Governor, and to the Civil Magistrate, to the end that by their Consent and Authority it may be generally observed, for the appeasing of the wrath and indignation of God, by a true and serious Repentance.

OF BAPTISM.

7. Baptism shall be administered in the Church with fair and common water, according to the Institution of Jesus Christ, and without limitation of

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presenter

^{*} The irregular practice of baptizing at home, without necessity, is not yet grown to be the fashion here.

presenter son ensant au Baptesme plus outre que le prochain Dimanche, ou Assemblée Publique, s'il se peut saire commodément; & ne pourra aucun estre reces à y presenter ensant s'il ne communique à la Sainte Céne; Et ne pourront les semmes seules estre Marraines.

days; nor shall any delay the bringing of his child to Baptism longer than the next Sunday, or Publick Assembly, if it may conveniently be done; and no one shall be admitted to be a Godfather that does not partake of the Holy Communion. Women alone shall not be allowed to be Godmothers.

DE LA CENE.

8. En chaque Eglise la Sainte Céne se eélèbrera quatre sois l'An, dont l'une sera à Pasques, & l'autre à Noel; & chaque Ministre en l'Administration de la Céne, recevra premierement le Sacrament, & baillera le pain & le vin à un chascun Communiquant, en usant les Mots de l'Institution.

9. Tous Péres & Maistres de Famille feront exhortés & enjoints de faire instruire leurs Enfana & Domestiques en la cognoissance de leur Salut, & pour ce faire auront soin de les envoyer aux Catéchismes ordinaires.

OF THE LORD'S SUPPER.

- 3. The Lord's Supper shall be administered in every Church four times a Year, whereof one shall be at Easter, and the other at Christmas; and every Minister in the Administration of the said Supper, shall first receive the Sacrament himself, and afterwards distribute the Bread and Wine to each of the Communicants, using the Words of the Institution.
- 9. All Fathers and Masters of Families shall be exhorted and enjoined to cause their Children and Domesticks to be instructed in the Knowledge of their Salvation, and to this end shall take care to send them to the ordinary Catechisings.†

This good rule is strictly observed, insomuch that one from another parish offering himself for Godfather, mast bring a certificate from his minister that he is a conformable person and a communicant.

⁺ Vis. Without a Man to be Godfather.

^{\$} By this is meant, both Publick Catechizing at Church, and fuch further Examination as every Candidate for the blaffed Sacrament of the Lord's Supper must undergo in particular from the Minister.

- Degrés qui sont prohibés par la Parole de Dieu; selon qu'ils sont exprimés en la Table faite par l'Eglise d'Angleterre, sur peine de Nullité & Censure.
- Dimanches consècutifs aux Paroisses des Parties, & sera obligée la Partie de l'autre Paroisse où le Marriage ne sera celebre d'apporter Attestation de la Publication de ses Annonces en sa Paroisse. Neant-moins sur causes légitimes on pourra avoir Licence & Dispensation dès dites Annonces par l'authorité du Doyen, qui prendra suffisante Caution de la Liberté des Parties.
- 12. Il ne se fera aucune Separation à Thoro & Mensa qu'a cause d'Adultère, cruauté, & danger de Vie, dûement prouvés, & ce à l'Instance des Parties: & pour l'Alloûance de la Femme durant la Sèparation, elle aura recours au Bras Séculier.

DES MINISTRES.

13. Nul qui ne soit propre à enseigner, & capable de Prescher la Parole de Dieu, ne sera admis en aucun Bènèsice de l'Isle; & qui n'ait receû l'Imposition des Mains, & Ordination, selon la Forme de l'Eglise d'Angleterre. Degrees prohibited by the Word of God; as they are expressed in the Table made by the Church of England, on pain of Nullity and Censure.

- Sundays successively in the Parish Church of both Parties, and the Party of the Parish where the Marriage is not celebrated shall be obliged to bring a Certificate of the Publication of his Bans in his own Parish. Nevertheless in lawful Cases there may be Licence and Dispensation of the said Bans given by the authority of the Dean, who shall take good Security of the Liberty of the Parties.
- There shall be no Separation de Thoro & Mensá but in case of Adultery, Cruelty, and Danger of Life, duly proved, and this at the Instance of the Parties: and as for the Maintenance of the Woman during the Separation, she shall have recourse to the Secular Power.

OF MINISTERS.

13. No man that is not fit to Teach, nor able to Preach the Word of God, shall be admitted to any Benefice within the Island; or that has not received Imposition of Hands, and been ordained, after the Form used in the Church of England.

- 14. Nul, ne Doyen ne Ministre, ne pourra occuper ensemble deux Bènèsices, si non en temps de Vacance; & seront les Originaires, ou Natis de l'Isle, prèfèrès au Ministère.
- manche après les Priéres Publiques expliqueront le Matin quelque Passage de l'Escriture Sainte; & Aprésmidy traiteront les Points de la Religion Chrestienne contenus au Catéchisme du livres des Communes Prieres.
- 16. En leur Prieres ils observeront les Titres qui appartiennent au Roy, le recognoissans Souverain Governeur sous Christ en toutes Causes & sur toutes Perfonnes, tant Ecclesiastiques que Civiles; recommendans la Prosperité de sa Personne, Estat, & Posterité Royale.
- 7. Un chascun des Ministres advisera diligemment de démonstrer la bienséance & gravité en habits qui conviennent à sa Charge, & qui préservent le Respect deû à sa Personne; & seront aussy circonspects en tout le cours de leur vie de se preserver de telles compagnies, actions, & hantises de places, qui leur puisse apporter blasme ou slesstrisseure; & partant ne deshonoreront leur Robe par Jeux, Tavernes, Usures, Compagnies, & Occupations qui ne conviennent à leur Fonction; ains s'estudieront à exceller par dessus les autres en pureté de Vie, Gravité, & Vertu.

- 14. None, either Dean or Minister, shall hold two Benefices together, unless in time of Vacancy; and the Originaries, or Natives of the Island, shall be preferred before others to the Ministery.
- 15. The Ministers every Sunday after the Publick Morning Prayers shall expound some Place of Holy Scripture; and in the Afternoon shall handle some Points of the Christian Religion contained in the Catechism of the Book of Common Prayer.
- 16. In their Prayers they shall observe the titles which are due to the King, acknowledging him Supreme Governor under Christ in all Causes and over all Persons, as well Ecclesiastical as Civil; recommending [unto God] the Prosperity of his Royal Person, Estate, and Posterity.
- 17. Every one of the Ministers shall be careful to shew that decency and gravity of Apparel which become his Profession, and may preserve the Respect due to his Person; and they shall be very circumspect in the whole course of their Lives to keep themselves from such company, actions, and haunts, as may bring any blame or blemish upon them; nor shall they dishonour their Calling, by Games, Taverns, Usuries, Trades, or Occupations not besitting their Function; but shall study to excell others in Purity of Life, Gravity, and Vertue.

- dé des Baptesmes, Marriages, & Enterrements; & seront obligés de publier au jour qui leur sera appointé, les Ordonnances de la Cour, qui leur seront envoyées signées & séclées du Doyen, leur estans delivrées quinze jours avant la Publication.
- 19. Les Ministres seront avertis en temps convenable pour assister aux Enter-rements qui se seront en leur Paroisses, & là observeront la Forme prescrite au Livre des Communes Prieres; & nul ne sera enterré dans le Temple sans congé du Ministre, qui aura égard à la Qualité des Personnes, ensemble à ceux qui sont Bienfaiteurs à l'Eglise.

DU DOYEN.

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- 20. Le Doyen sera Ministre de la Parole de Dieu, estant Maistre aux Arts, ou gradué au Droict Civil pour le moins; ayant les Dons pour exercer la dite Charge, de bonne vie & conversation, & bien affectionné & zelé à la Religion & service de Dieu.
- 21. Le Doyen, aux Causes qui se traiteront en Court, demandera l'Advis & Opinion des Ministres qui pour lors seront presents.
- 22. Il aura la connoissance de toutes choses qui concernent le Service de Dieu,

- 18. They shall take care that a Register be kept of Christnings, Marriages, and Burials; and shall be obliged to publish on the Day that shall be appointed them, the Ordinances of the Court, which shall be sent to them signed and sealed by the Dean, they being delivered to them sisteen days before the Publication.
- 19. The Ministers shall have notice in convenient time to assist at such Burials as shall be in their Parishes, whereat they shall observe the Form prescribed in the Book of Common-Prayer; and none shall be interred within the Church without leave of the Minister, who shall have regard to the Quality of the Persons, and withal to those that are Benefactors to the Church.

OF THE DEAN.

- 20. The Dean shall be a Minister of the Word of God, being a Master of Arts, or Graduate in the Civil-Law at the least; having Abilities to exercise the said Office, of good Life and Conversation, zealous and well affected to Religion and the Service of God.
- 21. The Dean, in Causes which shall be handled in Court, shall ask the Advice and Opinion of the Ministers who shall then be present.
- 22. He shall have the Cognizance of all Matters which concern the Service of prédication

prédication de la Parole, Administration des Sacremens, Causes Matrimoniales, Examen & Censure de tous Papistes, Récusans, Hérétiques, Idolatres, & Schismatiques, Parjures en Causes Ecclesiastiques, Blasphemateurs, ceux qui ont recours aux Sorciers, Incestueux, Adultéres, Paillards, Yvrognes ordinaires, & publics Profanateurs du Sabbat; comme auffy la Profanation des Temples & Cimetieres, du Mespris & Offenses commises en Court, ou contre aucuns des Officiers d'icelle en exécution des Mandats de la Court; des Divorces, & Separation à Thoro & Mensa; avec pouvoir de les censurer & punir selon les Loix Ecclesiastiques, sans exclurre la Puissance du Magistrat Civil au regard de la Punition Corporelle pour les dits Crimes.

a3. Le Doyen accompagné de deux ou trois Ministres visitera une sois en deux Ans chaque Paroisse en sa Personne, & donnera ordre quil y ait Presche le jour de la Visitation, ou par soy même, ou par quelquun par luy appointé; & se fera ladite Visitation pour ordonner que toutes choses appartenantes à l'Eglise, au Service de Dieu, & Administration des Sacremens, soyent pourveûes par les Surveillans, & le Temple, Cimetiere, & Maison Presbyteriale soyent entretenues & reparées: Et aussy recevra Information des dits Surveillans (ou faute à iceux à faire leur devoir) du Ministre, de toutes of-

God, the Preaching of the Word, Administration of the Sacraments, Matrimonial Causes, the Examination and Censure of all Papists, Recusants, Hereticks, Ido laters, and Schismaticks, Persons perjured in Caufes Ecclefiastical, Blasphemers, fuch as have recourse to Wizzards, Incestuous Persons, Adulterers, Fornicators, common Drunkards, and publick Prophaners of the Lord's Day; as also of the Prophanation of Churches and Church-yards, Contempt and Offences committed in Court, or against any Officers thereof in the execution of the Mandats of the Court; of Divorces, and Separation à Thoro & Mensa; with Power to censure and punish them according to the Ecclefiastical Laws, without Prejudice to the Power of the Civil Magistrate in regard of Bodily Punishment for the faid Crimes.

23. The Dean accompanied by two or three Ministers shall once in two Years visit every Parish in person, and shall give order that there be a Sermon on the Visitation-day, either by himself, or some other by him appointed; which Visitation shall be made for the ordering that all things appertaining to the Church, the Service of God, and the Administration of the Sacraments, be provided by the Church-Wardens, and that the Church, Church-Yard, and Parsonage-House be maintained and repaired: And likewise shall receive information from the said Church-Wardens, or (if they

fences & abus qui feront à reformeren aucun, soit Ministre, Officiers de l'Eglise, ou autres de la Paroisse; & recevra ledit Doyen pour la dite Visitation 40 sols de la Rente du Thresor à chaque sois.

should fail in doing their Duty) from the Minister, of all Offences and Abuses which need to be reformed, whether in the Minister, Officers of the Church, or others of the Parish; and the said Dean for the said Visitation shall each time receive 40 Sols out of the Treasury of the Church.

24. En cas de Vacance d'aucun Bénéfice, soit par mort, ou autrement, le Doyen donnera ordre presentement que les
Fruits d'iceluy Bénéfice soint sequestrés,
& que du provenu d'iceux la Cure soit
supplée; & aussy que la Veuve ou Heritiers du Dessure reçoivent selon la proportion du temps de son Service, suivant
à l'Usage de l'Isle, saus ce qui seroit necessaire à deduire pour les Delapidations,
s'il y en à; & donnera Terme convenable
à la Veuve du Dessure de se pourvoir
de Domicile; & baillera ce qui sera de
residu au prochain Incumbant, auquel le
Sequestrataire en rendra compte.

24. In case of Vacancy of any Benefice, either by Death, or otherwise, the Dean shall give present order that the Profits of the faid Benefice be sequestered, and that out of the produce thereof the Cure be supplied; and also that the Widow or Heirs of the Deceased be satisfied in proportion to the Time of his Service. according to the Custom of the Island, with fuch necessary deductions as must be made for Dilapidations, if there be any; and shall give convenient Time to the Widow of the Deceased to provide herfelf of a Dwelling; and shall dispose of the Residue to the next Incumbent, to whom the Sequestrator. shall be accountable.

25. Sur la mésme occasion de Vacance d'aucun Bénésice, si dans six mois le Governeur ne presente aucun au Revérend Pére en Dieu l'Evesque de Winchestre, ou en cas de vacance de ce Siége, au Trés Revérend Pére en Dieu l'Archevesque de Canterbury, pour estre admis & Institué audit Bénésice, alors le Doyen certisiera du Temps de la Vacance aux

any Benefice, if within fix Months the Governor does not present some person to the Right Reverend Father in God the Bishop of Winchester, or in the Vacancy of that See, to the most Reverend Father in God the Archbishop of Canterbury, to be admitted and instituted to the said Benefice, then the Dean shall

dits Seigneurs Evesque ou Archevesque, selon qu'il escherra, à ce qu'ils ordonnent pour la collation du Bénésice: & lors qu' aucun leur sera Presenté, le Doyen donnera Attestation du comport & suffisance de la Partie, pour estre apprové par iceux, devant que d'estre admis actuellement par le Doyen en Possession du dit Bénésice.

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Approbation des Testamens, lesquels seront approuvés sous le sceau de l'Office, & Enregistrés; Aura aussy l'Enregistrement des Inventaires des Biens Meubles des Pupilles, desquels il gardera sidéle Registre, pour en donner Copie toutes sois & quantes qu'il en sera requis. Item, baillero Lettres d'Administration des biens des Intestats, qui mourront sans hoirs de leur Chair, au prochain heritier.

27. Ceux qui seront saisis du Testament, soit Heritiers, Exécuteurs, ou autres, seront obligés de l'exhiber & apporter au Doyen dans un Mois; saute dequoy seront convenus en Court par Mandat, en payant doubles Coustages pour la Compulsoire; & aura le dit Doyen pour les dits Testamens, Inventaires, & Lettres give notice of the Time of the Vacancy to the faid Lords Bishop or Archbishop, as it shall happen, to the end they may give order for collating to the Benefice: and when any shall be presented to them, the Dean shall give Certificate of the behaviour and sufficiency of the Party to be approved by them, before he be actually admitted by the Dean into Possession of the said Benefice.

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Probate of Wills * which shall be approved under the Seal of his Office, and Registered; He shall have also the Registering of the Inventories of God's Mobiliary belonging to Orphans, whereof he shall keep a faithful Register, that he may give Copies of them whenever he shall be required. Moreover, he shall give Letters of Administration of the Goods of Intefatets, dying without Heirs of their Body, to the next of Kindred.

27. They that have the Will in their Custody, whether they be Heirs, Executors, or others, shall be obliged to exhibit and bring the same to the Dean within one Month; in default whereof they shall be convened into Court by Mandate, paying double Charges for the Compulsory; and the said Dean shall have for the said Wills,

[•] The Law which obtains here, Le mort failit le vif, the meaning whereof is, that the moment a Mandies, his Heir or Heirs stand ipso facto vested of all his Estate real and personal, that law (I say) leaves little room for the exercise of this part of the Dean's Jurisdiction concerning Probates of Wills and Letters of Administration.

spécifiés en la Table sur ce fait.

28. Toutes Légations Mobiliaires faites à l'Eglise, Ministres, Escoles, ou Pauvres, feront de la Cognoissance du Doyen; Mais fur l'Opposition qui pourroit estre faite de la validité du Testament, la Court Temporelle en déterminera entre les Parties.

29. Il appartient au Doyen de cognoistre de toute Substraction de Dixmes affectées à l'Eglise, de quelque espéce qu'elles soyent, qui ont esté payées au Ministres, & dont ils ont jouy & font en possession depuis quarante Ans; & toute personne convaincûe de substraction, fraude, ou detention d'icelles Dixmes, sera adjugé à Restitution, avec les frais & coustages de la partie; & pour la Conservation de tous & chascun les Droicts Bénéficiaux, Dixmes, Rentes, Terres, & Possessions, il y aura un Terrier fait par le Bailly & Jurétz, assistés du Doyen & Procureur du Roy.

30. Le Doyen aura liberte de faire choix d'un Deputé ou Commissaire, lequel pourra exercer & suppléer la Charge & Office du Doyen entant, que sa Commission le portera, & dont y aura Acte Authentique aux Rolles de la Court.

d'Administration, tels Droicts qui sont Inventories, and Letters of Administration, fuch Fees as are specified in the Table made for that purpose.

> 28. All Legacies Mobiliary made to the Church, Ministers, Schools, or Poor, shall be of the Cognizance of the Dean; But upon any Opposition made concerning the Validity of the Will, the Civil Court shall determine it betwixt the Parties.

> 29. It appertains to the Dean to have cognizance of all Substraction of Tythes belonging to the Church, of what kind foever they be, which have been paid to the Ministers, and which they have enjoyed and have been possessed of forty years; and every Person convicted of Substraction, Fraud, or Detention of the faid Tythes, shall be adjudged to make Restitution, and pay the Cost and Charges of the Party; and for the Preservation of all and fingular the Rights, Tythes, Rents, Lands and Possessions Beneficiary, there shall be a Terrier made by the Bailly and Jurats, affifted by the Dean and King's Procurator.

> 30. The Dean shall have power to make choice of a Deputy or Commissary*, who shall execute and supply the Place and Office of the Dean so far as his Commission shall extend, of which there shall be an Authentick Act in the Rolls of the Court.

^{*} Commonly called Vice-Doyen,

DES SURVEILLANS, AUTREMENT DITS GAR-DIENS DE L'EGLISE.

31. Chasque semaine aprés Pasques, le Ministre & les Paroissiens de chaque Eglise chosiront deux Surveillans, gens discrets, & de bonne Conversation, & des plus capables, scachans lire & escrire s'il est possible, Que si les dits Paroissiens ne peuvent accorder en l'Election, le Ministre aura pouvoir d'en nommer un, & les Paroissiens l'autre par la majeure Voix d'iceux; & seront puis aprés assermentés à la prochaine Court, & bien advertis de leur Devoir.

32. Le Devoir l'iceux fera de voir que les Temples & Cimetieres ne foint profanés par aucuns Exercices ou Actions profanes, comme aussy de ne permettre l'entrée du Temple à aucun Excommunié, duquel la Sentence à esté Publiée en leur Paroisse: Et seront soigneux de Presenter de temps en temps ceux qui negligent les Exercices Publics du Service Divin, & l'Usage des saints Sacremens, & généralement tous Delicts qui sont de Cognoissance Ecclesiassique; & bailleront les dites Presentations sous leur signes, & ne pourront estre contraints de Presenter que deux sois par An.

33. Ils auront soin pareillement d'entretenir le Temple en bonne reparation, & les Cimetieres en bonne closture; & de voir que toutes choses appartenantes à

OF THE CHURCH-WARDENS.

31. Every Week next after Eafter, the Minister and People of each Parish shall chuse two Church-Wardens, discreet Men, of good Conversation and Capacity, able to read and write if possible. If they cannot agree in the Election, the Minister shall have power to name one, and the Parishioners another by the majority of Voices; which two shall be sworn in the next Court after, and there well admonished of their duty.

32. Their Duty shall be to see that the Churches and Church-yards be not abused by any prophane Exercises or Actions, as also not to suffer any Excommunicated Person to come into the Church, after the Sentence has been published in their Parish: And they shall be careful to Present from time to time those that neglect Divine Service, and the Use of the Holy Sacraments, and generally all Delinquencies that are of Ecclesiastical Cognizances, which Presentations they shall exhibit under their Hands, nor shall they be constrained to Present above twice a year.

33. They shall have care moreover to keep the Church in good Repair, and the Church-Yards well fenced, and to see that all things appertaining to the Church, l'Eglise

l'Eglise, à l'Administration de la parole & des Sacremens, foyent pourveûes & entretenûes de temps en temps; comme font la Bible de la meilleure Translation & en plus grosses Lettres, le livre des Communes Prieres tant pour le Ministre que pour le Clerc ou Cousteur de la Paroisse, un livre de Parchemin pour enregistrer les Baptesmes, Marriages & Enterremens, une Table convenable pour administrer la Sainte Cene, avec un Tapis pour mettre sus durant le Service divin, des Fonds pour le Baptesme, Coupes & Vaisseaux dédiéz seulement a cet Usage, Nappes, Serviettes, avec un Coffre pour retirer les dites Utenfiles, un Tronc pour les Aumosnes, un Tapis & Carreau pour la Chaire, & pourvoyront auffy le Pain & le Vin de la Céne. Item, verront que les Brancs & Siéges foyent appropriés pour la Commodité du Ministre & des Paroissiens, & ce par l'advis & conseil de leur Ministre; & le tout des Rentes & of the Rents and Revenues of the Trea-Revenus du Thresor de l'Eglise.

34. Les dits Surveillans seront obligés de garder un bon & loyal compte dans un Livre de leur mises & recéptes, & de l'emploite qu'ils feront des Deniers du Thresor; lequel sera banni de temps en temps selon la Coustume, & ce entre les mains dés dits Surveillans, & Procureurs

the Administration of the Wod and Sacraments, be provided and maintained from time to time; fuch are, a Bible of the best Translation and largest Character, the Book of Common-prayer both for the Minister and Clerk of the Parish, a Book of Parchment to register the Christnings, Marriages and Burials, a decent Table to administer the Holy Supper, with a Carpet to cover it during Divine Service, Fonts for Baptism, Cups and Vessels ferving only to that Use, Table-cloths, Napkins, with a Cover wherein to keep the faid Utenfils, a Trunk or Box for Alms, a Cloth and Cushion for the Pulpit, and shall also provide the Bread and Wine for the Sacrament. Moreover, they shall see that the Pews and Seats be well fitted for the Conveniency of the Minister and Parishioners, and that with the Advice and Council of their Minister; all this, out fury of the Church.

34. The faid Church-Wardens shall be obliged to keep in a Book, a good and faithful account of their Disbursements and Receipts, and of the Use they shall make of the Moneys of the Treasury; which shall be published* from time to time according to Custom, and that in

^{*} More properly, auctioned. For the Rents of the faid Treasury being in little parcels; they are put up in an Assembly of the Parish, and he who bids highest has the collecting of them, with some small profit to himfelf.

de la Paroisse, lesquels employront le dit Threfor pour les choses necessaires & convenables a l'Eglise, ou Bien Public; se gouvernans par l'advis du Ministre & Principaux de la Paroisse en toutes choses extraordinaires qui concernent la dite Paroisse; & en cas d'Affaires Publiques, l'Affemblée des Estats leur prescrira ce qui sera trouvé expédient pour l'Utilité Publique: & devant qu'estre dischargés, donneront advertissement aux Paroissiens pour oûir leur Comptes la Semaine de Pasques, lesquels seront Signés par le Ministre & Principaux de la Paroisse; & si aucuns dés dits Paroissiens, ou autres, refusent de payer les Rentes qu'ils doivent audit Thresor, les dits Procureurs & Surveillans, ou aucun d'iceux, les poursuivront par les voyes Ordinaires de Justice: Mais cas advenant de Controverse aux dits Accomptes, ou abus qui seroient à reformer, le Doyen & Ministre de la Paroisse où la dite Controverse ou abus se trouvera, fe joindront avec le Bailly & Juréts pour y donner Ordre convenable.

the Name of the faid Church-Wardens, and Procurators of the Parish, who shall employ the faid Treasury in Things necessary and convenient for the Church, or the publick Good, governing themselves by the advice of the Minister and Chief of the Parish in all things extraordinary which concern the faid Parish; and in case of Publick Business, the Assembly of the States shall prescribe to them what shall be found expedient for the common advantage: And before they quit their Charge, they shall give notice to the Parishioners that they may audit their Accounts in Easter-Week, which Accounts shall be figned by the Minister and Chief of the Parish: and if any of the said Parishioners, or others, refuse to pay the Rents they owe to the faid Treasury, the faid Procurators and Church-Wardens, or any of them, shall prosecute them by the ordinary Ways of Justice: But in case of any Controversy about the faid Accounts, or of any Abuse to be reformed, the Dean and Minister of the Parish where the faid Controversy or Abuse shall be, shall joyn with the Bailly and Jurats to determine the same as shall be found convenient.

36. Lesdits Surveillans durant le Service Divin au jour de Dimanche visiteront les lieux suspects de Jeux & Dissolutions; & ayans le Connestable pour les assister, visiteront paréillement les Tavernes & Maisons de debauche.

35. The faid Church-Wardens during Divine Service on the Sunday, shall search Places suspected of Gaming, and riotous Practices; and having the Constable to assist them, shall also search Taverns, and tippling Houses.

- 36. Ils auront soin qu'il ny ait aucune substraction & recellement des choses appartenantes à l'Eglise; comme aussy ils se pourront saisir, & poursuivre tous dons & Legates Mobiliares saits à l'Eglise & aux Pauvres, selon les loix du Pais.
- 37. Il y aura deux Collecteurs des Ausmosnes des Pauvres en chasque Paroisse, qui feront Office d'Assistans, & seront esleus comme les Surveillans; & auront serment en Court pour se bien comporter en leur Charge: & rendront compte de leur Administration deux sois l'An par devant le Ministre & Paroissiens, seavoir est à Pasques & à la St. Michel.

DESCLERCS, OU COUSTEURS.

38. Les Clercs ou Cousteurs des Paroisses seront choisis par le Ministre &
Principaux de la Paroisse, de l'age de XX
ans pour le moins, de bonne vie & conversation, scachans lire posément, distinctement, & intelligiblement, & escrire,
& qui entendent aucunement le Chant
des Pseaumes, s'il est possible.

36. They shall be careful that there be no with-holding or concealing of things appertaining to the Church; they may also seize into their hands, or sue for the delivery of all Donations and Legacies Mobiliary made to the Church and Poor, according to the Laws of the Country.

37. There shall be two Collectors of the Alms for the Poor * in each Parish, who shall also discharge the Place of Sidesmen, and shall be chosen as the Church-Wardens; and shall be sworn in Court to behave themselves well in their Office: and shall give an Account of their Administration twice a Year before the Minister and Parishioners, viz. at Easter and at Michaelmas.

OF THE CLERKS OR SEXTONS.

38. The Clerks or Sextons of the Parishes shall be chosen by the Minister and Chief of the Parish, of the age XX years at the least, of good Life and Conversation, able to read fairly, distinctly, and intelligibly, and to write also, and somewhat qualified for the singing of the Psalms, if it may be.

- * They retain the name of Diacres, i. e. Deacons, and are Persons chosen for their known Probity and Sobriety. The Office is honourable, and in a manner perpetual, not annual only as in England. No Parish-Officers have so near a relation to the Minister. They are particularly assistant to him at the Administration of the Holy Communion.
- + This Qualification is specially required of them, because it has been usual to put them to read the two Lessons at Divine Service, for the ease of the Minister. They are of better account with us than the poor Clerks of Country-Parishes in England. Grave-digging is none of their business. They mark the Place, and the Relations of the deceased fend Labourers of their own to make the Grave.

39. Leur

Peuple par le son de la Cloche au Service Divin, & oûye de la Parole de Dieu, à heure propre & convenable suivant l'ordinaire; tenir le Temple sermé & net, comme aussy les Bancs & la Chaire; conferver les Livres, & autre choses appartenantes à l'Eglise dont ils auront la Charge; pourvoir l'Eau pour le Baptesme, faire des Criées & Denonciations qui leur seront enjointes par la Court, ou par le Ministre; & auront leur Gages & Salaires par la Contribution des Paroissiens, soit en bled, froment, ou Argent, selon l'Usage du Pais.

DES MAISTRES D'ESCHOLE.

chasque Paroisse, chosi par le Ministre, Surveillans, & principaux d'icelle, & par aprés presenté au Doyen pour estre authorizé en cette Charge; & ne sera loisible à aucun de l'exercer sans y estre ainsy apellé: & les Ministres auront soin de les visiter, & exhorter à faire leur Devoir.

141. Ils useront de toute laborieuse diligence à instruire les Enfans à lire, escrire, prier Dieu, respondre au Catéchisme; les duiront aux bonnes Moeurs,

39. Their Business is by ringing of the Bell to call the People to Divine Service, and hearing of the Word of God, at a proper and convenient Hour, according to Custom; to keep the Church shut and clean; as also the Pews and Pulpit; to preserve the Books, and other Things belonging to the Church whereof they shall have the Cuflody; to provide Water for Baptism, and to make such Proclamations and Denuntiations as shall be injoined them by the Court, or by the Minister; and shall receive their Wages and Salaries by Contribution of the Parishioners, whether in Corn or Mony, according to the Custom of the Country.

OF SCHOOL-MASTERS*.

40. There shall be a School-master in every Parish, chosen by the Minister, Church-Wardens, and principal Persons thereof, and after that presented to the Dean to be licensed thereunto; and it shall not be lawful for any to exercise this Charge, not being in this manner called unto it: and the Minister shall take care to visit them, and exhort them to do their Duty.

41. They shall use all painful Diligence to teach the Children to read, and write, say their Prayers, answer to the Catechism; they shall form them to good

These are not to be confounded with the Masters of the Free Shools. They bear a greater resemblance to the Masters of those Charity-Schools which of late years have been set up in England.

les conduiront au Presche, & Prieres Publiques, les y saisant comporter comme il appartient.

Manners, shall bring them to Sermon, and Common-Prayers, seeing that they behave themselves there as becometh.

DE LA COURT.

- 42. La Court se tiendra une sois la Semaine au Lundy, & observera les mesmes Termes de Vacations que la Court Civile.
- 43. A chasque Séance, au commencement d'icelle, les Noms des Assesseurs feront intitulés, le jour, & le mois, & les Sentence leues.
- 44. Aprés Jugement & Sentence donnée du Principal, les Coustages des Parties, & substraction de salaire aux Officiers de la Court, se poursuivront par les Censures Ecclesiastiques.
- 45. Il y aura deux Avocats deûement afsermentés à la Court, afin que le Peuple puisse agir formellement & juridiquement, sans consusion ou surprise. Et le Gressier aussi estant assermenté enregistrera sidélement la Sentence qui aura esté prononcée, & baillera Copie des Actes à ceux qui le requerront.
- 46. Le Procureur du Roy, & en son absence l'Avocat, pourront assister de temps en temps a la Court, pour pour-fuivre la Censure & Punition de toutes Causes de Crime & Scandale.

OF THE COURT.

- 42. The Court shall be kept once a Week on the Monday, and shall observe the same Terms and Vacations as the Court Civil.
- 43. At every Seffion, in the beginning thereof, the Names of the Affesfors shall be enrolled, the Day, and the Month, and the Sentences read.
- 44. After Judgment and Sentence given in the principal Matter, the Costs of the Parties, and the Fees of the Officers of the Court, shall be awarded by the Ecclesiastical Censures.
- 45. There shall be two Advocates (or Proctors) duly sworn to the Court, to the end the People may proceed formally and juridically, without consustion or surprize. And the Gressier (or Register) being also sworn, shall faithfully record the Sentence which shall be pronounced, and shall give Copy of the Acts to such as shall require it.
- 46. The King's Procurator, and in his absence the Advocate, may be present from time to time in the Court, and thereprosecute the Censure and Punishment of all Causes of Crime and Scandal.

- 5émonces, le Doyen affermentera les Cousteurs des Paroisses, & un Appariteur, lesquels donneront fidéle Record de leurs Exploits, en donnant Copie des Citations & Mandats Originels à ceux qui le requerront, & en absence de la Partie aux Domessiques; & les Causes de la Comparence seront exprimées dedans les dites Citations & Mandats.
- 48. Si la Partie ne se trouve point, soit en se cachant, ou autre collusion, la Citation sera affichée à l'huis du Temple Paroissial d'icelle, en cas qu'il n'ayt aucun Domicile, & ce en jour de Dimanche.
- 49. S'il parvient aux oreilles du Doyen par Relation de gens de bien, que quelqu'un vit notoirement en quelque Scandale, il en pourra avertir le Ministre & les Surveillans de la Paroisse, afin que s'en estant informés, ils Presentent telles personnes qui meritent d'estre punies ou Censurées.
- 50. Là où il constera de la faute commise par quelque Ministre, le Doyen, aprés Monition réitérée, procédera à la Resormation par l'Avis & Consentement de deux Ministres, jusqu'a Suspension & Sequestration: & en cas que ledit Ministre demeure refractaire, le Doyen procédera, par le Consentement de la plus

- 47. For executing or serving the Citations and Summons, the Dean shall swear the Clerks of the Parishes, and an Apparitor, who shall give a faithful report of their Proceedings, giving Copies of the Original Citations and Mandats to such as shall require them, or in the absence of them to their Domesticks; and the causes of the Appearance shall be expressed in the said Citations and Mandats
- 48. If the Party be not found, as either concealing himself, or using some other Collusion, the Citation shall be affixed, in case he has no settled Habitation, on the door of his Parish-Church, and that upon a Lord's Day.
- 49. If it comes to the knowledge of the Dean by the Report of honest Men, that any one liveth notoriously in some Scandal, he may advertise the Minister and Church-Wardens of the Parish, to the end that informing themselves thereof, they may Present such Persons as deserve to be punished or censured.
- 50. Upon good Proof of a Fault committed by any Minister, the Dean, after repeated Admonitions, shall proceed to the Reformation of him, by the Advice and Consent of two Ministers, even unto Suspension and Sequestration: and in case the said Minister continues refractory, the Dean, by the Consent of the

part des Ministres presents en l'Isle, greater part of the Ministers present in jusqu'a Déprivation.

- 51. On ne fera point de Commutation pour Pénitence sinon avec grande circonspection, ayant égard à la qualité des Personnes, & circonstances des fautes; Et fera la Commutation enregistrée ès Actes de la Court, pour estre employée aux Pauvres, & usages pieux, & dont Accomptes seront rendus selon ledit Registre.
- 52. Aprés la premiere Defaute, la Noncomparence de ceux qui seront derechef cités par Mandat sera reputée, Contumace; & si estans cités par aprés en Péremtoire ils ne comparoissent, on pourra procéder à l'encontre d'eux à l'Excommunication. Que fi dans le prochain jour de Court la Partie ne fait devoir d'obtenir Absolution, on procédera à la Publication de la Sentence, & Mineure Excommunication, laquelle fera delivrée au Ministre de la Paroisse pour en faire lecture à jour Solennel, & à l'oûye de la plus part des Paroissiens assemblés; & la partie persistent en son Endurcissement, on procédera à la Majeure Excommunication, qui forclost le Pécheur à Sacris & Societate Fidelium. Que si cette Censure ne sert pour l'induire a Obéissance & se ranger dans le Terme de quarante jours, alors le Doyen parson Certificat authentique donnera avertissement au Bailly & Jurétz de ladite Contumace,

the Island, shall proceed even to Deprivation.

- 51. No Commutation shall be made for Penance but with great circumspection, having regard to the Quality of the Persons, and circumstances of the Crimes; And the Commutation shall be enrolled' in the Acts of the Court, in order to be laid out upon the Poor, and in Pious Uses, and whereof account shall be given. according to the faid Register.
- 52. After the first Default, the Nonappearance of fuch as shall be cited again by Mandate shall be reputed Contumacy; and if being afterwards peremptorily cited they do not appear, they may be proceeded against by Excommunication. If before the next Court-day the Party does not endeavour to obtain Abfolution, the Court shall proceed to the Publication of the Sentence, and Minor Excommunication, which shall be delivered to the Minister of the Parish to be read upon some solemn Day, and in the hearing of the greater part of the Parishioners affembled; and the Party perfifting in his Obstinacy, the Court shall proceed to the Major Excommunication, which excludes the Sinner à Sacris & Societate Fidelium. If this Censure cannot induce him to Obedience and Submission within the Space of forty Days, then the Dean by his authentick Certificate shall give notice to the Bailly

Ff.

& les requerra en assistance de sa Jurisdiction de le saire saissir par les Officiers Civils, pour le rendre Prisonier en Détention Corporelle, jusqu'a ce quil se soit submis, & obligé d'obtemperer à l'Ordonnance de l'Eglise; & devant qu'estre absous, sera tenu de payer les frais & coustages de la poursuite de la Cause.

and Jurats of the faid Contumacy, and shall require them in support of his Jurisdiction to cause him to be seized by the Civil Officers, and constituted Prisoner, under Bodily Detention, till such time as he has submitted, and obliged himself to obtemperate to the Ordinance of the Church; and before he be absolved, he shall be bound to pay the Costs and Charges of the Prosecution of the suit.

- 53. En Causes de Paillardise, sur la Presentation les Surveillans, avec les probabilités, commun bruit, scandale, & presumptions à ce requises, la Partie sera sujette de subir le Serment de sa Purgation, ou autrement sera tenu pour convaincu.
- 53. In Causes of Incontinency, upon Presentment of the Church-Wardens, together with Probabilities, common Fame, Scandal, and Presumptions in this Case requisite, the Party shall be subject to undergo Purgation upon Oath, or otherwise shall be held for convicted.
- 54. En Cas d'Adultére à l'Instance de Partie, on y procédera meurement par bonnes Preuves & Informations, pour avoir evidence du faict objecté; & le sujet & prouve du fait le requerant, on pourra conclurre jusqu'a Séparation à Thoro & Mensâ.
- 54. In Case of Adultery at the Instance of either of the Parties, the Proceedings shall go on maturely, by good Proofs and Informations, in order to have Evidence of the Fact objected; and the Subject and Proof of the Fact requiring it, the Court may proceed to Separation à Thoro & Mensã.
- 55. Là où il y aura Calomnie ou Diffamation prouvée, on fera recognoissance des injures selon l'exigence du Cas; pourveu que l'Action ne soit prescrite par lapse de temps, d'un an entier; & pourveu que le sujet de l'Action soit de Crimes Ecclesiastiques cy devant specisiés.
- 55. Upon Proof of Calumny or Defamation, the Party guilty shall make acknowledgment of the injury according to the exigency of the Case; provided the suit be prosecuted before Lapse of Time, or that a Year be expired; and provided that the Matter of the Suit be of Crimes Ecclesiastical before specified.

- 56. Les Appeaux en Causes Ecclesiastiques seront oûis & definis par le Révérend Pére en Dieu l'Evesque de Winchestre en personne; & in cas de vacance de ce Siège, par le très Révérend Père en Dieu l'Archevesque de Canterbury en personne.
- 57. Tout Appel s'interjettera dans quinze jours après cognoissance de la Sentence, & sera la Partie obligée de prendre & exhiber tout le Procés, & Actes du Registre ou Rolles de la Court; & lesquels Actes aussy luy seront de-livrés en sorme & temps convenable, authentiqués sous le sceau de l'Office; & sera l'Apellant sujet de la poursuivre dans an & jour, aut Sententiæ latæ stare compellitur.
- 58. Il ne sera licite d'appeller qu'aaprés Sentence Definitive de la Cause, sinon pour ces deux égards; ou quand l'Interlocutoire est telle qu'elle met sin à la Cause; ou quand ladite Interlocutoire estant obéie elle apporte tel Domage irreparable à la Partie, qu'il ne peut estre amendé par Appel de la Desinitive.

- 56. Appeals in Causes Ecclesiastical shall be heard and determined by the Reverend Father in God the Bishop of Winchester in Person; or in the vacancy of that See, by the most Reverend Father in God the Archbishop of Canterbury in Person.
- sortence, and the Party shall be entered within fifteen Days after notice of the Sentence, and the Party shall be obliged to take out and exhibit the whole Process, and Acts of the Register or Rolls of the Court; which Acts shall also be delivered to him in Form and time convenient, authenticated under the Seal of the Office; and the Appellant shall be bound to prosecute his Appeal within a Year and a Day, aut Sententia lata stare compellitur.
- 58. It shall not be lawful to appeal but after Sentence Definitive of the Cause, unless in these two Cases; either when the Interlocutory is such as puts an end to the Cause; or when the said Interlocutory being obeyed brings such irreparable Damage to the Party, that he cannot be relieved by Appeal from the Sentence Definitive.

Table des Droists appartenants au Doyen, & a ses Officiers, pour toutes Causes

Ecclesiastiques.*

Pour l'approbation des Testaments, où les biens du dessunct n'excederont la Valeur de 50 livres tournois de claro, au Doyen rien; au Gressier pour l'escriture & enregistrement 5 sols. Pour l'approbation des Testaments au dessus de la valeur de 50 livres tournois, au Doyen 20 sols, au Gressier 10 sols.

Pour Lettres d'Administration, ou les biens du dessurct n'excederont la valeur de 50 livres tournois de claro, au Doyen rien; au Gressier pour l'escriture de ladite lettre 5 sols. Pour Lettres d'Administration au dessus de ladite somme, au Doyen 30 sols, au Gressier 10 sols.

Pour enregistrement des Inventoires des biens des Pupiles, la où ledit Inventoire ne se montera a 50 livres tournois, au Doyen rien; au Grefse pour ledit enregistrement 3 sols. Pour enregistrement desdits Inventoires excedants la somme de 50 livres tournois, au Doyen 20 sols, au Grefse 10 sols.

Pour Copie authentique desdits Testaments, Lettres d'Administration, ou Inventoires, au Doyen pour son Sceau 5 sols, au Greffe 5 sols. Pour le Compulsoire des Testaments, au Doyen & Appariteur 10 sols.

Pour Dispense des Bans de Marriage, au Doyen go sols.

Pour la Sequestration des fruits d'aucun Benefice, au Doyen 60 sols. Pour Induction des Ministres, au Doyen 30 sols.

Pour les Mandats & Citations, au Doyen 2 sols, au Greffe pour l'escriteur d'yceux, 1 sol, a l'Appariteur pour executer les Citations ou Mandats 2 sols 6 deniers, au Cousteur pour les citations qu'il fera dans sa Paroisse 1 sol.

[.] This Table of Fees is not thought necessary to be Englished.

Au Doyen pour l'Absolution de la Mineure Excommunication 10 Sols, au Greffe 2 sols, a l'Appariteur 2 sols 6 deniers.

Au Doyen pour l'Absolution de la Grande Excommunication 20 sols, au Greffier 5 sols, a l'Appariteur 5 sols.

Pour Causes entre Parties litigants, la Partie succombante payera les salaires & droicts des Officiers, & 3 sols par Acte a la Partie, & a chasque Temoin produit en Court 3 sols.

Aux Avocats de la Court, pour chasque Cause qu'ils plaideront 5 sols, au Greffe pour chasque Acte de Court 1 sol. Pour chasque premiere dessaute en Court 1 sol. Pour la Contumace 3 sols.

Suivant ce que dessus, est ordonné que le Doyen & ses Successeurs, ou aucuns des Officiers qui sont à present, ou seront par cy aprés, ne pourront directement ny indirectement lever, exiger, ou recevoir des habitants de ladite Isle, autres droicts & falaires que ceux qui sont specifiés en la Table cy dessus escripte. Plus outre est ordonné, que ce qui à este par cy devant exercé & mis en execution en ladite Isle, en quelques Causes que ce soit, par vertu d'aucune Jurisdiction Ecclesiastique, demeurera pour abrogé, pour ne pouvoir estre tiré en President, par ledit Doyen ou aucuns de ses Successeurs, à exercer ou executer en temps à venir, contre ou autre la teneur desdits Canons à present conceûs & ordonnés; mais que le tout soit rapporté & limité au contenu desdits Canons & Constitutions Ecclesiastiques. Comme auffy ne sera donné aucun empeschement par le Magistrat Civil de la-

Pursuant to what is above, it is ordained that neither the Dean nor his Succeffors, nor any of the Officers who are now, or shall be hereafter, shall either directly or indirectly raife, exact, or receive from the Inhabitants of the faid Island, any other fees or salaries than those which are specified in the Table above-written. Moreover it is ordained. that what has been heretofore done and put in execution in the faid Island, in what Causes soever, by virtue of any Ecclefiastical Jurisdiction, shall remaine abrogated, fo as not to be drawn into Precedent, by the faid Dean or any of his Successors, to exercise or execute the fame in time to come, contrary or beyond the tenor of the faid Canons now conceived and ordained; but that all be referred to and limited by the contents of the faid Canons and Constitutions Ecclesiastical. As also that there shall be no hinderance dite dite Isle audit Doyen & ses Successeurs en l'execution paisible de ladite Jurisdiction, au contenu d'iceux Canons, comme n'estans prejudiciables aux Privileges, Loix, & Costumes de ladite Isle, auxquelles n'est entendu deroger. Donné sous nostre Signet (comme devant est dit) à nostre Palais de Greenwich, le dernier jour de Juin, l'an de nostre Regne d'Angleterre, France, & Irlande le vignt-unieme, & d'Ecosse le cinquante-sixieme.

given by the Civil Magistrate of the said Island to the said Dean and his Successors in the peaceable execution of the said Jurisdiction, according to the Contents of the said Canons, as not being prejudicial to the Priviledges, Laws, and Customs of the said Island, to which it is not intended to derogate. Given under our Signet (as before is said) at our Palace of Greenwich, the last day of June, in the year of our Reign of England, France, and Ireland the twenty-first, and of Scotland the sifty-sixth.

G. Cant. *. Jo. Lincoln. C. S. + La Winton.

NUMBER XI.

The Charter of King Henry VII. for the erection of the two Free-Schools.

Rex omnibus ad quos &c. falutem. Sciatis quod Nos certis de Causis & considerationibus, Nos & Consilium nostrum specialiter moventibus, concessimus, & licentiam dedimus, pro Nobis & Hæredibus nostris, dilectis ligeis nostris, Johanni Néel Clerico, Decano Capellæ præcharissimi filii nostri primogeniti Arthuri Principis Walliæ, Ducis Cornubiæ, & Comitis Cestriæ; Vincentio Tehy, Mercatori Villæ nostræ Southamptoniæ; Quod ipsi duo Gymnasia infra Insulam nostram de Gersey, in locis ibidem magis convenientibus, de duobus Magistris sive Didascalis, ac duobus Hostiariis sub eisdem si opus sit, pro eruditione Puerorum in eadem Insulâ existentium, ibidem vel alibi oriundorum, in Grammaticâ, ac aliis inferioribus Scientiis Liberalibus, facere, fundare, ac stabilire possint, juxtà ordinationes, constitutiones, & sta-

^{*} George Abbot, Archbishop of Canterbury.

⁺ John Williams, Bishop of Lincoln, and Lord Keeper of the Great Seal,

[&]amp; Lancelot Andrews, Bishop of Winchester.

bilimenta, per præfatos Johannem & Vicentium in hac parte facienda, pro perpetuo duratura. Quodque iidem Magistri sive Didascali, in singulis vacationibus corundem Gymnafiorum, per Decanum & Curatos ejusdem Insulæ pro tempore existentes, vel per eundem Decanum & majorem partem eorundem Curatorum, eligantur, ac in realem possessionem eorundem de tempore in tempus ponantur per eosdem. Præterea concessimus, & licentiam dedimus per Præsentes, eisdem Johanni & Vicentio, quod ipfi, cum Gymnasia sic fundata, erecta, & creata fuerint, quendam annualem reditum sexaginta Quarteriorum frumenti * annuatim levandi ad Festum Sancti Michaelis de hæredibus præfatorum Johannis & Vincentij, seu eorum alteriûs, præfatis Magistris sive Didascalis, quod ipsum dictum annualem redditum a præsatis Johanne & Vincentio & hæredibus fuis prædictis, necnon quolcunque annuales redditus frumentorum usque ad numerum ducentorum Quarteriorum frumenti, ultra prædictum annualem redditum Sexaginta Quarteriorum, a quibuscunque personis ea eis dare vel concedere volentibus, recipere possint, & tenere, sibi & Successoribus suis, in usus fuos proprios in perpetuum, fimiliter licentium dedimus specialem, aliquo Statuto, Actu, vel Ordinatione de redditibus ad manum mortuam non ponendis, ante hæc tempora in contrarium factis, editis, five ordinatis, in aliquo non obstantibus. Nolentes quod Capitanei nostri Insulæ prædictæ, seu aliqui Officiarij vel Ministri nostri ibidem, præterquam Decanus & Curati prædicti, de hujusmodi electione, aut donatione, vel collatione Gymnasiorum prædictorum, cum vacaverint, nullatenus se intromittant. In cujus &c. T. R. apud Westm. decimo quinto die Novembris, anno Regni Regis Henrici Septimi duodecimo.

NUMBER XII.

A Table of the Wheat Rents belonging to the Trefors of the respective Parishes.

		Quart. Cab. Sixt.			Quart. Cab. Sixt.
St. Oûen	Church	30:00:00	c	Church	10:03:00
	Poor	26:00:00	St. John	{Church Poor	10:05:00
			St. Peter	Church	35 : 01 : 031
	Poor	06:00:00	St. Peter	Poor	13:00:03

^{*} The present annual revenue of the two Schools stands thus. To St. Magloire belongs a House with Land, valued at 5 Quarters of Wheat-Rent, besides 30 Quarters more to receive in several parcels. To St. Anastase, a House likewise with Land, valued only at 2 Quarters. Rents to receive 25 Quarters.

1		Quart. Cab. Sixt.			Quart, Cab. Sixt.
St. Brelade	Church	26 : 00 : 00	Grouville	Church	24 : 07 : 031
	Poor	11:04:00		Poor	13:07:001
The state of the s	Church	24:00:00	St. Saviour	Church	22:06:041
	Poor	24:00:00			17:06:03
St. Laurence	Church	20:00:00	St. Clement	Church	28 : 05 : 041
	Poor	11:00:00		Poor	06:05:00
	Church	28 : 05 : 01	St. Helier	∫ Church	37 : 03 : 03
	Poor	05:04:00		Poor	13:06:02

Cabots and Sixtoniers are the Fractions of a Quarter. 6 Sixtoniers make a Cabot, and 8 Cabots make a Quarter.

THE END OF THE APPENDIX.

SUPPLEMENTS

AND

EMENDATIONS.

A Letter of King Edward III, to the Bailly, Jurats, and Inhabitants of Jersey, commending their Fidelity, and acknowledging their Services. Rymer's Fæd. Tom. V. pag. 186.

REX dilectis & fidelibus suis, Ballivo, Juratis, & omnibus aliis de Insula nostra de Geresey, Salutem. Fidelitatis vestre constantiam erga Nos, & nostrorum conservationem jurium, nedum relatio, set effectus operis dictis preponderans, clare probant. Nam semper in Dilectione nostra vos serventiores invenimus, pro quo vobis graviora dispendia pertulistis. Propter quod, sicut honori nostro convenit, Communitatem vestram, & singulares Personas ejusdem sic curabimus (Deo dante) grate respicere, quod gaudebitis erga Nos tam ludabiliter vos gessisse. Velitis igitur, affectione solita, juxta sirmam quam de vobis optinemus siduciam, circa desensionem dictorum jurium, contra Nobis adversantes, tam magnanimiter vos habere, ut, preter laudis preconium quod ex hoc mirisce poteritis adipisci, a Nobis retributionem uberem reportetis. Super aliis vero, tam honorem nostrum quam commodum contingentibus, dilecto Nobis Thome de Cerse, Clerico de Insula nostra predicta, prebere vos volumus plenam sidem. Dat. apud Westmonasterium, vicesimo die Maij. [An-14. Ed. III.] Per ipsum Regem & Consilium.

^{*} The proper place for inferting, or at least mentioning this Letter, had been under the Reign of that great Prince. But I had not then seen it. It does us so much honour that I have chosen to place it here, rather than omit it. It was written the same year in which the King gained the great Naval Victory before Sluys, viz. an. 1840.

The List given, in a former page, of those Princes of the Royal Blood, who have had the Government of the Islands, being imperfect, the whole Paragraph must be thus amended and filled up.

This Office has been anciently held by Persons of very great note and eminency, and we can reckon among our Governors the Sons and Brothers of some of our Kings; as (1) John Earl of Mortain, afterwards King, who had these Islands settled upon him in the nature of an Appanage by Richard I. his Brother. (2) Prince Edward, afterwards King Edward I. Son and Successor of Henry III. who enjoyed them in the same right in the Life of his Father. (3) Edward Duke of York, Son of Edmund Duke of York, who was fifth Son of Edward III. This Prince was stain at the Battle of Azineourt in 1415. (4) John Duke of Bedford, Brother of Henry V. and Regent of France, where he died, and was buried at Roûen. (5) Humphrey Duke of Glocester, Brother also of Henry V. He was murthered at St. Edmund's-bury, and lies in the Abbey-Church of St. Albans.

The Oath administered to a Jurat-Elect in JERSEY, before he takes his Place upon the Bench.

Vous N. N. Puis qu'il a plû a Dieu vous appeller legitimement en cette Charge, vous jurés & promettés par la foy & serment que vous devés a Dieu, que bien & fidelement vous excercerés l'estat & charge de Juré-Justicier, en la Cour Royale de notre Souverain Seigneur le Roy George fecond, par la grace de Dieu Roy de la Grande Bretagne, France, & Irlande, &c. en cette son Isle de Jersey; la Majesté duquel vous reconnoistrés sous Dieu supreme Governeur en tous ses Royaumes, Provinces, & Dominions; renonçant a toutes Superioritez foraines & etrangeres. Vous garderés le droict de sa Majesté & de ses Sujets, & soutiendrés l'honneur &

You N. N. Since it has pleased God to call you lawfully to this Charge, you fwear and promise by the faith and oath which you owe unto God, that you willwell and faithfully execute the place and office of Jurat-Justiciary, in the Royal Court of our Sovereign Lord George the fecond, by the grace of God King of Great Britain, France, and Ireland, &c. in this his Island of Jersey; and that you will recognize His Majesty as Supreme-Governor under God in all his Kingdoms. Provinces, and Dominions; renouncing all foreign and strange Superiorities for Jurisdictions.] You shall maintaine the Rights of His Majesty, and of his Sub-

Parole. Vous administrerés bonne & briéve justice, egalement tant aux riches qu'aux pauvres, sans acception de personnes, suivant nos loix, coutumes, & usages, confirmez par nos Privileges, en les foutenant, avec nos libertez & franchises, vous opposant a quiconque les voudroit enfraindre. Item, vous ferés punir & chatier tous Traitres, Meurtriers, Larrons, Blafphemateurs du facré Nom de Dieu, Yvrognes, & autres Personnes scandaleuses, chascun selon son demerite; vous opposant a tous Seditieux, a ce que la force demeure au Roy & a la Justice. Vous assisterés a la Cour, toutesois & quantes qu'en serés requis, si n'avés excuse legitime, & en tel cas mettrés un autre Justicier en votre place; donnant votre avis, opinion, & conseil, selon la pureté de votre conscience. Vous honorerés & ferés respecter la Cour; & garderés & ferés garder le droict des Veuves & Orphelins, Etrangers, & autres personnes Finalement, en vos Conindefendûes. clusions, vous vous rangerés & conformerés au meilleur & plus fain avis de Monsieur le Bailly & de Messieurs de la Justice. Vous le promettés en votre conscience.

gloire de Dieu, & de sa pure & sacrée jects, and affert the honour and glory of God, and of his pure and facred Word. You shall administer good and prompt Justice, both to rich and poor equally, without acceptation of persons, agreeably to our laws, customs, and usages, confirmed by our Privileges, upholding them, together with our liberties and freedoms, in opposition to all whomsoever that would infringe them. Moreover, you shall cause to be punished and animadverted against all Traytors, Murtherers, Robbers, Blasphemers of God's Holy Name, Drunkards, and other scandalous Persons, each according to his deferts; opposing all seditious practises, fo that the King's Authority and that of Justice may remaine superior. You shall affift at Court, whenfoever fo required, unless you have a lawful excuse to the contrary, and in such case you shall fee another Justicier in your place; giving your advice, opinion, and counsel, according to the uprightness of your Conscience. You shall honour and cause the Court to be respected; and shall maintaine and cause to be maintained the right of Widdows and Orphans, Strangers, and other defenseless persons. Laftly, in your Conclusions, you shall yield and conforme yourfelf to the better and founder opinion of the Bailly and other Jurats. This you promise upon your Conscience.

In Note (a) instead of the English Quotation of Daniel and Rapin, insert this; Rex-cum privatâ familiâ naves ascendit, & post triduum apud Gerseze Insulam applicuit. Matt. Paris. Hist. maj. ad an. 1213. pag. 201.

At

Among the Officers of a Parish, it has been forgot to mention the Procureur, who is not the least considerable. His business is to affert the Rights of the Parish, and (if need be) to sue for them. The Name of the Office answers to that of Attorney. But 'tis not necessary he should be a professed Lawyer.

In the XIIIth Article of King John's Constitutions, the word prohibere renders the said Article unintelligible. Instead of it, an ancient Copy of those Constitutions lately found in the Tally-Office reads habere, which makes very good sense.

FINIS.

REMARKS

ON

THE XIXth CHAPTER OF THE III BOOK OF Mr. SELDEN'S MARE CLAUSUM,

IN A LETTER TO THE AUTHOR.

REVEREND SIR,

I SEE with pleasure your Account of Jersey brought at length to a conclusion, and cannot but congratulate myself and the rest of my Countrymen for the accurate Description you have given of that our Native Place. It lays an Obligation upon all the Inhabitants which they must never cease to acknowledge. Whatever good and brave Actions have been performed by their Ancestors you have therein transmitted to Posterity, that they who come after may follow the Example, especially in an unalterable Fidelity to the Crown of England, whereby they will entitle themselves to it's Favour and Protection more and more.

Neither do your generous Endeavours to serve your Country end so. Some time ago you declared your intention to give your Books for the use of the Public there, and I who have often seen that Collection in my Visits to you at Shenley, and have sometimes bought for you here in London, am well apprized of the Cost and Value of it. This your Declaration I ought in Justice to make known, the rather because in that place of your Account, where you speak of the want of a Library, you have, out of modesty, declined naming yourself as the intended Benefactor. It remains only to wish, that when that Magazine of good Literature is brought into the Island, it may promote the Ends for which you design it.

In the course of your History, I observe, that you have taken no Notice of some remarkable Arguments used by Mr. Selden in the 19th Chapter of the IId Book of his Mare Clausum. On them I formerly made some Remarks, which I here send you, and of which you will make what use you think convenient. It will perhaps be reckoned no small Presumption in me, to oppose so great a Man as the Learned Mr. Selden,

Selden, whose Authority hath upon most occasions been held as facred: But it must be considered, That the learnedst Man is liable to err; That Truth alone ought to be facred; and, That This, and not Authority, unless sounded upon Truth, is to be regarded in any Writer, of how great a Name soever.

I shall therefore, without any further Apology, proceed to take into consideration the Proposition laid down by Mr. Selden in the fore-mentioned Place, which is,*

"That the Kings of England have always [perpetuo] been in Possession of the Islands by lying near the French shore; that is (as he explains himself) of the Islands of Jer
"fey, Garnesey, and others on the coast of Normandy and Bretagne,† and consequently have been Masters of the Sea, in which those Islands lie."

And here I cannot but observe once for all, that for Mr. Selden to argue in Vindication of this noble Privilege, upon so ill-grounded a Principle, as he does all along in this Chapter, serves only to betray his Cause; and rather weakens, than confirms our ancient and well-established Prescription to the Dominion of the narrow Seas. For, were these Islands ever in the hands of Ecbert, Alfred, Edgar, Ethelred, Canute, or any of their Danish, or Saxon Successors? And yet, if Mr. Selden's Argument be of any force, they ought even then, or rather for ever [perpetuo] to have been subject to the Kings of England; for so high is the Pretension to the Doeminion of the Narrow Seas carried by the Assertors and Patrons of it.‡

To set therefore this whole Matter in a true light, I shall give a short abstract of the antient State of those Isles out of your History. It is then certain, that these Islands were part of the ancient Province of Neustria, and subject to the Kings of France of the first and second Race, till the Year 912, when Charles IV. King of France, harrassed by the repeated Invasions of the Norman Free-Booters, was, in order to quiet them, forced to grant Rollo and his Followers these Islands, with the whole rich Province of Normandy. Such was their ancient Civil State. As for their Ecclesiastical Government; about the Year DLV. Childebert did, at the Re-

In dominio Insularum litori Gallicano præjacentium perpetuo a Regibus Angliæ retento, possessionem Maris in quo sitæ sunt, à majoribus acceptam conspici. Seldeni Mare Clausum, Lib. II. c. 19.

⁺ ___Litori Normannico ac Aremorico præjacentes, imo intra maris finum, quem facit hinc Aremoricum, illinc Normannicum litus. Ibid.

[†] See Mr. Burchet's Naval Hiftory, Book I. c. x. xi. and Mr. Selden's Mare Claufum, &c.

⁵ See Account of Jerfey, above.

quest of St. Sampson, Archbishop of Dol in Aremorica, (or Bretagne,) annex them to that See; under whose successors they continued, till the settling of the Normans in Neustria*. But all that while, they remained, in secular Affairs, under the Jurishis Governours, called Duces and Comites; and dispatched thither, upon extraordinary occasions, his Legati, or Commissioners-Royal.† When the Normans became possessed of Neustria, and with it of these Isles, they were by them withdrawn from the Jurisdiction of the Archbishop of Dol, and annexed to the See of Coûtances.‡ So that Mr. Selden's Supposition must be groundless.§ That this was not done till the English were Masters of both Shores, that is, after the Norman Conquest. Upon the whole then, these Islands were parcel of the Duchy of Normandy, untill by Henry I. they were annexed to, and declared unalienable from, the Crown of England.

Such being the Truth of the Matter, let us particularly examine the feveral Arguments alledged by the great Mr. Selden, to prove the contrary opinion, namely, That the Kings of England have always possessed the Islands aforesaid lying near the Coast of France, [and consequently been Masters of the Sea in which they are situate.]

I. His first Argument is taken from a Petition¶ of the States of England, and of several other foreign Nations, to the Commissioners of England and France, against Reyner Grimbaltz, Admiral of France, in the Reigns of Edward I. and Philip the Fair, An. 1303; wherein it is expressly acknowledged, that the King of England hath always been Master not only of this Sea, but also of the Islands lying in it, by reason of his Dignity, or as he is King of England. In answer to which, I beg leave to observe in general, that the Language of Petitions is seldom much to be depended upon, and therefore arguing from them is but building upon a sandy Foundation.

^{*} Ibid. + Ibid. + Ibid.

⁶ Ob loci vicinitatem commodius quidem habebatur regimen ecclesiasticum è Normannia deductum : quod initium habuisse ex illis seculis quibus utrumque litus possidebat Anglus, par est ut credamus. Selden ubi supra.

Account of Jersey.

[¶] See that Petition at length in Mr. Selden's Mare Clausum, Lib. II. c. 28, and Mr. Burchet's Naval! History, Book I. c. 11.

For the Petitioners do not generally regard so much the Truth of what they advance, as whether it will ferve their present Turn and Purpose. As for the words of the Petition now under confideration, they are so very general and indeterminate, that from them nothing certain can be concluded; For in them it is only affirmed, "That the Kings of England, by Reason of their said Kingdom, have, from Time "immemorial, been in peaceable Possession of the sovereign Dominion of the Sea of " England, and of the Islands situate therein." * Now, what do they mean by the Sea of England? It could not be what is at present called the British Ocean, or else their words must admit of great Restriction. For certainly the Kings of England could not then be faid with any Truth to have been, from Time immemorial, in peaceable Possession of the Islands situate therein, except a very few, namely those of Wight. Portland, and others upon the Coasts of the Southern Counties. The greatest part of the Islands in the Narrow Seas were not then in their Possession; witness the mighty Clusters of Isles about Scotland, several on the Coast of Bretagne, &c. Even Ireland was but lately conquered, viz. in the Reign of Henry II. and the Accession of the Isle of Jersey, and others near the Norman Coast, was not till the Reign of Henry I. all which is far from having been from Time immemorial. So that the general Affertion of the Petitioners, taken in its obvious Sense and due Latitude, is false; and they not having explained what Isles they meant, no Argument of any weight can be grounded upon the words of their Petition: Consequently this Argument of Mr. Selden is of no force.

2. His second Argument is taken from a Custom formerly practised by some of our Kings, namely, Their sending over into those Islands Justices Itinerant, as they are wont to do at the Circuits here in England, who brought such Matters as could not be determined within those Isles into the Court of King's Bench; from whence he infers, That these Places were of the ancient Patrimony of England, and never belonged to Normandy: And this he endeavours to confirm, by observing, That the like was never done in those Provinces of France, which were possessed by our Kings; they being left to their own Jurisdiction.

But furely this Argument does not in the least prove, that these Islands always belonged to the Crown of England. At most, it only serves to shew, that they de-

^{*} Que come les Royes d'Engleterre par raison dudit Royalme, du temps dont il ny ad memoire du contrarie, eussent este en paisible possession de la sovereigne Seignurie de la Mier d'Engleterre, & des Isles esteauns en ycelle——Selden Mare Clausum, Lib. II. c. 28.

pended upon it in the Reigns of Edward I. and of his two immediate successors; which is not so high as the Time of Henry I. when it is well known that they were annexed to the English Dominions. For the Custom of sending Justices thither did not begin till the latter End of Edward I. when Robert de Leisset was commissioned to go there, at first under the Title of Inquisitor, and afterwards of Judge-itinerant; and was again abrogated in the fifth Year of Edward III. But these Justices were very different from the Judges of Assize commissioned to administer Justice in England; for these latter go every Year, whereas the former were sent only once in three Years, or upon extraordinary Occasions; in conformity to the ancient Norman Custom, where the Seneschallus went his Circuit once in three Years.† And the sending of those Justices was so far from being a thing of ancient Right, that it was all along contested and opposed; and the Inhabitants, as Mr. Selden takes notice, were often presenting Remonstrances and Petitions against it.

Again it must be observed, that the Commissions of those Justices contained an express Clause, yet extant upon Record, that they should judge "secundum Leges & "Consuetudines Insularum." Now these Laws and Customs were not the same with those of England, but of Normandy, as appears by the Inspection of the Rolls of those Justices in the Tally-Office in the Exchequer. And this, by the bye, is no insignificant Proof of their having formerly been part of Normandy, and not always, from Time immemorial, belonged to the Crown of England, according to Mr. Selden's Affertion.

Moreover the fending Justices itinerant into the said Isles, is no more an Argument of their having always been in the Possession of the Kings of England, than the sending Inquisitors into Normandy is a Proof of it's having always been subject to the English Crown. And yet, that such Inquisitors were sent thither, is manifest from this passage of Robert de Monte, in his Appendix to Sigebert, under the Year 1164. "Rotrocus Episc. Ebroicensis & Raynaldus de Sancto Valerico Norman"niam recognoscere missi sunt, justu Regis, per Episcopatus, Regales Redditus, & "Consuetudines ad Regem & Barones pertinentes." Which Commission was like

[·] As is manifest from the Records in the Tally-Office.

⁺ Grand Coustumier, Chap. Du Seneschall au Duc.

[‡] Rot. Inful, An. 2 Edw. II. &c. penes Camerarios Scaccarij...

that of the Justices itinerant above-mentioned, consisting only of Quo-Warranto's: And it will be to no purpose to pretend to find a Difference, by saying, That these Inquisitors were Normans; for sometimes the Justices aforementioned were also Natives of the Islands, as Drogo de Barentin, and John de Carteret; their Commission receiving thereby no manner of Alteration. As for the bringing and determining of Suits begun there into the Court of the King's Bench, it was a downright Violation of their Laws and Privileges, and directly contrary to the VIIIth Article of King John's Constitutions, which says expressly, That "all Suits commenced within the said Islands, shall be terminated there." Accordingly, these Irregularities were rectified, and the ancient Privileges of the Islands confirmed by King Edward III. and his Successors Kings of England; and from that time, I believe, they have been subject only to the King and Council.

- 3. His next Argument is taken from a Charter of Edward VI. wherein it is faid, "That the Privileges therein granted, were the same as the Islanders and their An"cestors had enjoyed under some of his Predecessors Kings of England," without adding these words, "and Dukes of Normandy." But to this what Mr. Selden himself observes might be a sufficient Reply, That though these words are left out of this Charter, yet they are found in others. And it may moreover be remembered, that after Henry III. had parted with his Right to Normandy, the words above were seldom, or not always at least, inserted among the rest of our Kings' Titles. However, not to insist upon this, it would be but a bad way of arguing to say, The Kings of England have granted these Islands many Privileges, or, these Islands have enjoyed many Privileges under the Kings of England; therefore the Dukes of Normandy were never in Possession of them, or had any thing to do there. And yet no better is the present Argument.
- 4. Mr. Selden's IVth Argument is, That in a Petition presented to the Parliament by the Islanders, in the Reign of Edward III. wherein they give a Representation of the Privileges they had enjoyed from time immemorial, there are some which seem to imply, that those Isles had been subject to the ordinary Jurisdiction of our Kings, in Right of their Kingdom of England, and not as they were Dukes of Normandy.

^{*} Quod nullum Placitum infrà quamlibet distarum Insularum coram quibuscunque Justiciarijs inceptum, debet catrà distam Insulam adjornari, sed ibidem omninò terminari. See Account of Jersey, p. 331.

But this can never be made out from the Instances alledged here by Mr. Selden, unless it is proved at the same time, That the Islands enjoyed those Privileges before ever the Kings of the Norman Race mounted the English Throne, and were not indebted for them to the Favour of the Kings of England For, examine them impartially, and you will find, there is not in them the least Circumstance that makes it appear, whether they were granted by Kings of England, or Dukes of Normandy. The Privileges here cited are Part of the Constitutions of King John. + They were indeed granted by him, not as Duke of Normandy, (for he had then lost that Province) but as King of England: And yet this does not in the least, prove, that these Islands had always been under the Jurisdiction of the Kings of England. Accordingly, in that same Petition the Islanders acknowledge, That they had [formerly] been part of Normandy, as is well observed by Mr. Selden. As for their faying, that they had enjoyed those Privileges from time immemorial, that might possibly be, if it be admitted, that King John's Constitutions contained, at least in the main, a Confirmation of their ancient Rights and Liberties; which is very certain. Or, dating the Origin of them from King John's Constitutions, they must then have been near an hundred years in possession thereof, which is more than fufficient to found a Prescription, and may with no great impropriety be called Time immemorial.

For a Vth Argument, Mr. Selden produceth a Grant of Queen Elizabeth to Helier de Carteret, and his Heirs, of the Isle of Serk, to be held in Capite; as if that Tenure was an infallible Proof of this Island's having ever been a Fee-patrimonial of the Crown of England. Can nothing then be granted by that T-nure, except a Patrimonial Fee? Why it could not be thus disposed of, if it had been Part of the English Patrimony, only since the Norman Conquest, is really inconceivable. Perhaps the Author means, that this Island's being granted by a Tenure that was peculiar to England, is an evident Proof of it's having always been Part of the English Dominions. So Mr. Poingdestre understands him. But certainly Mr. Selden very

th Artic. IX, XIV, XV. Sce Acc. of Jersey, p. 331, 332.

well

^{*} Item quod nullus de libero tenemento suo, quod annum & diem pacificè tenuerit, sine brevi domini Regis de Cancellaria, de tenemento & tenente faciente mentionem, respondere debeat. Item, quod non debeant coram justitiariis domini Regis, ad assista capiendas assignatis, respondere, antequam transcripta commissionum eorundem sub sigillis suis eis liberent. Item quod justitiarii per commissionem domini Regis ad assista capiendas hic assignati non debeant placita hic tenere ultra spatium trium septimanarum.

well knew, that Tenures in Capite are not peculiar to England, but have, from the ancientest Times, been also used in Normandy; whence if we believe Dr. Brady, they were brought into this Kingdom after the Norman Conquest. So that this Argument is of no Moment.

- 6. Neither is the next of much greater weight: It is taken from the VIth Article of the Treaty of Bretigny; wherein it is faid, "That the King of England shall have and hold all the Isles adjacent to the Lands, Countries, and Places beforenamed, together with all other Isles which he holds at present." But what then? Is it there said, the Kings of England have always held those Islands? Or doth it thence sollow, that those Islands have always, and from Time immemorial, belonged to the Crown of England? Surely no Argument can be more trisling or inconclusive.
- 7. The Consequence he draws from a Clause in the Treaty between Henry VIII. and the Emperor, in 1542, and of another, between Queen Elizabeth and the States of the United Provinces, An. 1585, wherein it is said, that the forementioned Islands "ad regnum Anglia attinent, & regno Anglia adjacent," belong to and are situate near the Kingdom of England, is of as little force as the last; unless we are sure hereby was meant, that the said Islands always belonged to the Kings of England; otherwise it will be the same as if one was to argue, that Ireland was always, and from time immemorial, [perpetuo] subject to England, because it belongs to, and lies near it, which would be a very poor and salse Inference.
- 8. His two next Arguments tend to prove, That the Kings of England ever held those Islands by a higher Title than that of Dukes [of Normandy,] otherwise Henry V. could not have granted them to his Brother John Duke of Bedford in full Sovereignty; nor Henry VI. created Henry Beauchamp, Duke of Warwick, King of them, unless they had possessed them by a Royal Title.

In answer to which the Reader may observe, that, after the Loss of Normandy, if our Kings possessed them at all, they must have done it as Kings of England, and disposed of them as such; and not as Dukes of Normandy, because they were no

[.] See Grand Coustumier, Distinction III. Chap. 34.

⁺ Preface to the Norman History.

longer so. But besides, suppose a King of England should have a mind, with the Consent of his Parliament, to erect any part of his Dominions into a separate and dependent Kingdom, (as was that of the Isles;) I shall ask, whether it would not be equally in his power to do it, if he held them only as Earl or Duke, as if he did it as King or Emperour? This the Instance alledged by Mr. Selden shews to be no way impossible. Richard II. erected Ireland into a Kingdom, in behalf of Robert de Vere Earl of Oxford; and yet neither He nor his Successors were styled otherwise than Lords of that Island, till Henry VIII. took the Title of King of England, France, and Ireland. Why therefore it should not be equally in the Power of Henry V. and VI. to make a Kingdom of the Isles above-named, though they held them only as Dukes or Lords, is what I cannot conceive.

10. Mr. Selden's last Argument, for the perpetual Dependence of these Isles on the Crown of England, is, that he finds in the Rolls of the Justices itinerant sent over thither, these words-" Placita Coronæ,"-" spreta dignitate coronæ domini Re-"gis,"-" ut de feodo et jure coronæ suæ," &c. all which is a Style of Regal and not of Ducal Authority. But from what time these Expressions were used, is the Question? If they were not so [perpetuo] always, and from time immemorial, this Argument will be nothing to the purpose. And why they could not be used, if our Kings had enjoyed those Islands only from the Reign of William I. is what no man can give a good reason for. The time here mentioned by our Author can be no objection, for it was during the Reigns of the three first Edwards. And before that time Mr. Selden might have known, there was another Form of Words, as is manifest from the Roll of Robert de Leisset, wherein we read, " Placita Corona, que in Insulis "dicuntur Placita Spadæ." What these Placita Spadæ were, is plain from the Grand Coutumier, which informs us, that the Sword was the Badge of Ducal Authority, as the Crown is of Regal. Whence it is that in Matt. Paris, + Huntingdon, Hoveden, I and other Historians, "cingi gladio Ducatus Normannia," was the same in a Duke of Normandy, as to be crowned in a King of England.

These, Sir, are the sew Remarks I had to make on Mr. Selden; at which I hope no one can take Offence. The Design of them is neither to undervalue the truly learned Man whom I have opposed, nor to weaken the Title which the English Na-

^{*} An. 28 Edw. I. penès Camerarios Scacc.

⁺ M. Paris, p. 196.

¹ Hoved. p. 654, 792, 793, &c.

tion enjoys to the Dominion of the British Ocean: A right which is grounded upon immemorial Prescription; that hath been confirmed by repeated Treaties, and constant Practice; and a right on which indeed the Sasety of our Islands of Jersey and Guernezey entirely depends: For so long as our Masters, the Kings of England, enjoy the Dominion of the Narrow Seas, so long are we safe, and no longer. The Moment the French, or any other envious neighbouring Nation, rivals the Power of England, and gets a Fleet superior to ours, (of which indeed there is no danger at present, and it is to be hoped never will) we shall be inevitably swallowed up, be brought into the same wretched state of Slavery, which those tyrannical Princes keep their unhappy Subjects under; and lose at once the Enjoyment of our excellent Religion, and of all our Civil Rights and Liberties; without which, what is there desirable under the Sun? That we may always therefore remain united to that powerful Crown, under whose kind Government we enjoy all the Happiness and Protection we can desire, and taste of the Sweets of Liberty and Plenty, as much as the narrow Compass of that small Place can afford, is the hearty wish of,

SIR,

Your most obedient,

and obliged, humble Servant,

London, October 27,

7 JY 65

PHILIP MORANT.

